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Tuesday  
October 13, 1987

# Investigative Report



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# Presidential Documents

Title 3—

The President

Proclamation 5723 of October 8, 1987

## National Down Syndrome Month, 1987

By the President of the United States of America

### A Proclamation

National Down Syndrome Month affords all Americans an opportunity to take note of the progress science has made over the past two decades in understanding developmental disabilities, especially Down Syndrome. An accumulation of new research, a body of knowledge represented by thousands of published scientific papers, has meant fresh help for mentally handicapped people and the establishment of a strong information base for future efforts. One of the most important benefits of this research is that people everywhere are becoming increasingly sensitive to the achievements, needs, and potential of the mentally handicapped.

Our society is stronger and healthier because a new situation now prevails for those in our midst who are developmentally disabled. Today, people with Down Syndrome often take part in special education classes within mainstreamed programs in schools, vocational training, and living arrangements that promote as much independence as possible. In addition, parents of babies with Down Syndrome are receiving the education and support they need to understand this condition and to plan for the future of their children with new confidence and hope.

These strides have been possible thanks to the tireless work of concerned researchers, parents' groups, physicians, teachers, and service providers. Private organizations such as the National Down Syndrome Congress and the National Down Syndrome Society have worked in concert with the Public Health Service, the President's Committee on Mental Retardation, and other government agencies to increase public awareness of this condition and of the capabilities of those with Down Syndrome.

These developments are brightening the outlook for people born with Down Syndrome. That outlook will continue to brighten the more we acknowledge that all of us share the same God-given rights, dignity, and worth, and the more we realize that the sanctity of every human life is both a matter of principle and a call to action. As the late Terence Cardinal Cooke of New York said so eloquently:

The gift of life, God's special gift, is no less beautiful when it is accompanied by illness or weakness, hunger or poverty, mental or physical handicaps, loneliness or old age. Indeed, at these times, human life gains extra splendor as it requires our special care, concern, and reverence. It is in and through the weakest of human vessels that the Lord continues to reveal the power of His love.

The Congress, by Senate Joint Resolution 84, has designated the month of October 1987 as "National Down Syndrome Month" and authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the month of October 1987 as National Down Syndrome Month. I invite all concerned citizens, agencies, and organizations to unite during October with appropriate observances and activities directed toward assisting affected individuals and their families to enjoy to the fullest the blessings of life.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.

Ronald Reagan

[FR Doc. 87-23791

Filed 10-9-87; 10:08 am]

Billing code 3195-01-M



## Presidential Documents

Proclamation 5724 of October 8, 1987

### National Job Skills Week, 1987

By the President of the United States of America

#### A Proclamation

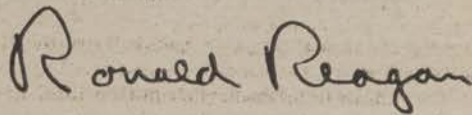
America's remarkable ability to create new jobs attests to the ingenuity and vitality of our people and to the fundamental strength and effectiveness of the free market economy. More Americans are working now than ever, and millions of new jobs are being created each year, including many by small business. Our observance of National Job Skills Week reminds us that training for new job skills is of critical importance to our economy and to our entire society.

The Department of Labor's Workforce 2000 study indicates a continuing vital need for job skills training. Trends suggest that the rate of labor force growth will diminish significantly and that the pool of workers, particularly at the entry level, will be smaller. This situation may afford unique opportunities for people from groups that historically have not entered the labor market. It challenges schools, business, community-based organizations, and government at all levels—Federal, State, and local—to continue to train people in the skills they will need to find and keep good jobs as the requirements of the workplace change. And it reminds us to pay careful attention to the implications of changes underway in the nature of the workplace and the composition of the work force.

To focus national attention on job training's role in maintaining a competitive work force, the Congress, by Senate Joint Resolution 72, has designated the week of October 11 through October 17, 1987, as "National Job Skills Week" and authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week of October 11 through October 17, 1987, as National Job Skills Week, and I urge all Americans and interested groups to observe this week with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.



PROBATIONAL LAWYERS

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## Presidential Documents

Proclamation 5725 of October 8, 1987

### National School Lunch Week, 1987

By the President of the United States of America

#### A Proclamation

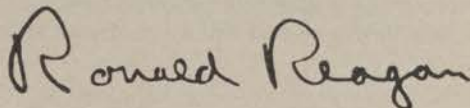
The National School Lunch Program was founded 41 years ago. Through it the Federal government works with State governments and local communities to provide food assistance each day for more than 20 million students in 90,000 schools. During National School Lunch Week the American people take time to salute this program and the hardworking citizens whose participation makes it so effective.

This successful program is constantly improving. For instance, food service managers have reached out to the community to involve parents and have promoted good management practices. Many school cafeterias offer new choices such as salad bars to make the lunch period more enjoyable for students. The National School Lunch Program represents the cooperative efforts of parents, teachers, community leaders, and food service specialists in behalf of the students of our Nation, and that is good reason for all of us to celebrate.

By joint resolution approved October 9, 1962, the Congress designated the week beginning on the second Sunday of October in each year as "National School Lunch Week" and authorized and requested the President to issue a proclamation in observance of that week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim the week beginning October 11, 1987, as National School Lunch Week, and I call upon all Americans to give special and deserved recognition to those people at the State and local level whose dedication and innovation contribute so much to the success of the school lunch program.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.







## Presidential Documents

Proclamation 5726 of October 8, 1987

### National Farm-City Week, 1987

By the President of the United States of America

#### A Proclamation

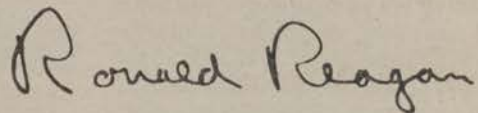
For the past 33 years during Thanksgiving week, the American people have observed National Farm-City Week to express gratitude for the bounty with which God has blessed our land and to recognize the achievements of the farmers, rural townspeople, and city residents who make our Nation's agricultural production and distribution system so successful. Truly this cooperation between rural and city dwellers for mutual benefit helps ensure our country's well-being.

America's farmers have provided food and fiber to sustain our people throughout decade after decade of progress. Farmers' productivity has increased steadily, thanks largely to their initiative in supporting and adopting the methods and materials developed by scientific research. Yield per acre has grown tremendously, with the result that American farmers are able not only to meet the Nation's basic needs for foodstuffs, but also to produce agricultural goods for export and for a wide variety of specialty markets here in the United States and around the world.

American agriculture, and the many service industries that depend upon it in cities and towns and along all the routes in between, is a story of extraordinary labor creating extraordinary abundance. At this time of year, it is only fitting that all Americans should offer some special sign of thanks to those who grow, harvest, and bring to our Nation's tables the fruits of sun, seed, and soil.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the week of November 20 through November 26, 1987, as National Farm-City Week. I call upon all Americans, in rural areas and cities alike, to join in recognizing the accomplishments of our productive farmers and of our urban residents, who cooperate to create abundance, wealth, and strength for our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and eighty-seven, and of the Independence of the United States of America the two hundred and twelfth.







# Rules and Regulations

Federal Register

Vol. 52, No. 197

Tuesday, October 13, 1987

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 981

#### Almonds Grown in California; Expenses and Assessment Rate and Administrative Rules and Regulations Concerning Crediting for Marketing Promotion and Paid Advertising Expenditures

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This final rule changes administrative rules and regulations established under the Federal marketing order for California almonds to: (1) Allow handlers of California almonds to receive credit against their annual advertising assessments for their unreimbursed media expenses for advertising in any foreign market pursuant to a contract with the California Department of Food and Agriculture; (2) add Australia, Korea, New Zealand, the People's Republic of China, the Philippines, and Taiwan to a list of foreign markets where handler media expenditures for brand advertising of almonds are eligible for credit; (3) delete a limitation which provides that credit for media expenditures for brand advertising in a foreign market shall not exceed 20 percent of a handler's advertising assessments or \$500,000 for each crop year, whichever is greater; and (4) extend the date by which handlers must submit documented proof in order to receive credit for the distribution of sample packages of almonds to charitable or educational outlets. These changes are designed to give handlers additional flexibility in meeting their assessment obligations.

**EFFECTIVE DATE:** October 13, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Cioffi, Chief, Marketing Order Administrative Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant or adverse economic impact on a substantial number of small entities.

The purpose of the RFA is to address regulatory actions to the scale of business subject to those actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601 through 674), as amended, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

It is estimated that 102 handlers of almonds under the marketing order for California almonds are subject to regulation during the course of the current season. There are about 7,500 almond producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2 (1985)) as those having average annual gross revenues for the last three years of less than \$100,000, and small agricultural service firms are defined as those whose annual gross receipts are less than \$3,500,000. The majority of handlers and producers of almonds may be classified as small entities.

This rule will provide handlers with several new opportunities to receive credit against their annual advertising assessments under the order. In addition, it will give handlers in the industry more time to submit documentation to support credit claims for the distribution of sample packages to almonds to charitable or educational

outlets and, thereby, provide a uniform method for filing claims for all marketing, promotion and paid advertising activity. Therefore, it is the Agency's view that the rule will relieve restrictions on handlers and will not impose any added costs or expenses upon them.

Information collection requirements in these regulations have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB No. 0581-0071.

This action revises § 981.441 of Subpart—Administrative Rules and Regulations issued under marketing agreement and Order No. 981 (7 CFR Part 981), both as amended, regulating the handling of almonds grown in California. The order is effective under the Act. This final rule is based on unanimous recommendations of the Almond Board of California (Board), which is responsible for local administration of the order, and upon other available information.

Notice of this action was published in the *Federal Register* (52 FR 28270) on July 29, 1987. Written comments were invited from interested persons until August 28, 1987. No comments were received.

Section 981.41(c) of the order provides that the Board, with the approval of the Secretary, may allow handlers to receive credit for their direct marketing promotion expenditures, including paid advertising, against their annual advertising assessments. That paragraph also provides that a handler shall not receive credit for allowable expenditures that would exceed that portion of such handler's assessment obligation which is designated for marketing promotion, including paid advertising. Section 981.41(e) provides that before crediting is undertaken the Secretary shall prescribe appropriate rules and regulations as are necessary to effectively administer provisions for creditable advertising expenditures.

Section 981.441 currently prescribes rules and regulations to regulate the crediting of payments to advertising media, for distribution of sample packages of almonds to charitable and educational outlets, for promotional materials purchased from the Board, and for certain costs related to mail order promotions. The proposal would revise § 981.441(c)(4), concerning crediting of



payments to advertising media in foreign markets, and § 981.441(d)(1)(i), concerning the distribution of sample packages of almonds to charitable or educational outlets.

Section 981.441(c)(4)(i) currently prescribes credit for a handler's unreimbursed media expenditures for advertising in any foreign market pursuant to a contract with the Foreign Agriculture Service (FAS), U.S. Department of Agriculture, provided the advertisements meet requirements provided for in § 981.441. This final rule revises § 981.441(c)(4)(i) to also allow handlers credit for such expenditures pursuant to a contract with the California Department of Food and Agriculture (CDFA). In 1986, the CDFA initiated a program similar to the FAS export assistance program, whereby the CDFA contributes funds to handler projects to promote agricultural commodities abroad. This rule will allow credit only for those funds contributed by handlers themselves and not reimbursed by the CDFA. Also, credit would only be allowed for handler funds used for paid media advertising.

Section 981.441(c)(4)(ii) currently allows a handler to receive credit for media expenditures for brand advertising in 16 foreign countries. This credit is in addition to the previously discussed credit for advertising pursuant to a contract with the FAS. The total of this additional foreign credit may not exceed 20 percent of a handler's advertising assessments or \$500,000 for each crop year, whichever is greater. The 16 countries are Great Britain, France, Italy, West Germany, Denmark, Belgium, Ireland, Luxembourg, The Netherlands, Sweden, Norway, Finland, Switzerland, Singapore, Hong Kong, Japan. Such claims for credit must be substantiated by applicable rate cards. The relevant administrative provisions of this section applicable to domestic advertising also apply to the crediting of advertising in these countries.

This rule revises § 981.441(c)(4)(ii) to add Australia, Korea, New Zealand, the People's Republic of China, the Philippines, and Taiwan to the list of 16 foreign countries where a handler's media expenditures for advertising may receive foreign advertising credit. It is believed that standard schedules of rates for media advertising are available in these countries to allow the Board to substantiate claims for credit as reasonable and appropriate. These countries are increasingly important markets for California almonds, and handlers should be encouraged to

develop the market potential in these countries through advertising.

Section 981.441(c)(4)(ii) is also revised by deleting the limitation which provides that credit for media expenditures for brand advertising in designated foreign markets shall not exceed 20 percent of a handler's advertising assessments or \$500,000 for each crop year, whichever is greater. Thus, handlers will be eligible for 100 percent of their brand advertising media expenditures in designated foreign markets subject to limitations applicable to credit for domestic advertising.

Many handlers market all or most of their crop in export. While most handlers incur an annual advertising, assessment of less than \$500,000 and are, therefore, not limited in the amount of credit they may receive for foreign brand advertising, a few handlers are limited. This rule will give all handlers opportunities to receive credit for brand advertising in foreign markets which are comparable to opportunities for credit in domestic markets. Section 981.441(d)(1)(i)(F) currently provides that no credit shall be granted for the distribution of sample packages containing one-half ounce or less of almonds to charitable or educational outlets without receipt by the Board of acceptable proof of distribution. This proof shall consist of a signed statement from the organization to which the sample packages were distributed, on that organization's letterhead, stating:

(1) The name and address of the handler from whom the packages were received; (2) the date of the receipt; (3) the volume of packages received; (4) how such packages will be used; and (5) a statement that such packages will not be used for resale. This proof must be submitted to the Board no later than July 15 of the crop year succeeding the crop year during which the packages are distributed and for which credit is requested except as provided in § 981.441(b). Section 981.441(b) provides that a handler may receive credit up to a maximum of 40 percent of such handler's annual advertising obligation for expenditures for advertisements published, broadcast, or displayed and other marketing promotion activities (including the distribution of sample packages) conducted no later than December 31 of the succeeding crop year if the required documentation is submitted to the Board no later than the following January 31. The crop year under the order is the 12 months from July 1 to the following June 30, inclusive.

Section 981.441(d)(1)(i)(F) is revised to give handlers until October 15 to submit documented proof of their distribution of

sample packages. Handlers will be required to file preliminary claims on ABC Form 31 on or before July 15 of the succeeding crop year, stating that proof of distribution will be submitted as expeditiously as possible, but no later than October 15. Handlers will have until October 15 to file final claims on ABC Form 31 with appropriate proof of distribution. The rule does not affect the 40 percent deferment provided for in § 981.441(b).

This change requires handlers to file for credit for the distribution of sample packages at the same time and in the same manner as claims for credit for advertising expenditures and costs related to mail order promotions. The action corrects a previous oversight to ensure that filing procedures for claiming credit for various types of authorized marketing promotion and paid advertising activities are uniform.

It is further found that good cause exists for not postponing in the effective date of this action until 30 days after publication in the *Federal Register* (5 U.S.C. 553) in that: (1) The regulation provides handlers with additional flexibility in crediting advertising and promotion expenditures, and handlers should have the opportunity to utilize this increased flexibility as soon as possible; (2) handlers are aware of this action and need no additional time to comply; and (3) no useful purpose would be served by delaying the effective date of this action.

#### List of Subjects in 7 CFR Part 981

Marketing agreements and orders, Almonds, California.

For the reasons set forth in the preamble, 7 CFR Part 981 is amended as follows:

#### PART 981—ALMONDS GROWN IN CALIFORNIA

##### Subpart—Administrative Rules and Regulations

1. The authority citation for 7 CFR Part 981 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Amend § 981.441 by revising paragraphs (c)(4)(i), (c)(4)(ii), and (d)(1)(i)(F) to read as follows:

#### § 981.441 Crediting for marketing promotion including paid advertising.

- (c) \* \* \*
- (4) \* \* \*
- (i) For handler's unreimbursed media expenditures for advertising in any foreign market pursuant to a contract



with the Foreign Agricultural Service, U.S. Department of Agriculture, and/or the California Department of Food and Agriculture provided the advertisements meet the requirements of paragraphs (c) (2) and (3) if this section and the limitation of paragraphs (c)(5) (i) and (ii) of this section.

(ii) For a handler's media expenditures for brand advertising in Australia, Belgium, Denmark, Finland, France, Great Britain, Hong Kong, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, New Zealand, Norway, the Philippines, the People's Republic of China, Singapore, Sweden, Switzerland, Taiwan, and West Germany, credit shall be allowed when claims are substantiated by applicable rate cards. The provisions of this section applicable to domestic advertising shall also apply to the crediting of advertising in these markets.

(d) \* \* \*  
(1) \* \* \*  
(i) \* \* \*

(F) Handlers must file claims with the Board in order to receive credit for the distribution of sample packages. Except as provided in paragraph (b) of this section, no credit shall be granted unless a preliminary claim is filed on or before July 15 of the succeeding crop year and a final claim is filed on or before October 15 of the succeeding crop year. Each preliminary claim must be filed on an ABC Form 31 (claim for advertising credit), stating that proof of distribution will be submitted as expeditiously as possible, but no later than October 15. If this preliminary claim is not filed on or before July 15, there will be no consideration of the claim under any circumstances. Each final claim must be submitted on ABC Form 31 and accompanied by appropriate proof of performance. This proof shall consist of a signed statement from the organization to which sample packages were distributed, on that organization's letterhead, stating:

- (1) The name and address of the handler from whom the packages were received;
- (2) The date of receipt;
- (3) The volume of packages received;
- (4) How such packages will be used; and
- (5) A statement that such packages will not be used for resale.

\* \* \*  
Dated: October 6, 1987.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 87-23566 Filed 10-9-87 8:45 am]

BILLING CODE 3410-02-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 87-CE-18-AD; Amdt. 39-5741]

#### Airworthiness Directives; Gulfstream (Aero Commander) Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680FL, 680F(P), 680FL(P), 685, 700, and 720 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new Airworthiness Directive (AD), applicable to certain Gulfstream (Aero Commander) Models 500, 500A, 500B, 500S, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680FL, 680F(P), 680FL(P), 685, 700, and 720 airplanes, equipped with reciprocating engines herein referred to as "500/600/700 series" airplanes, which requires the modification of the fuel filler port to prevent inadvertent filling of the fuel tanks with jet fuel. The NTSB has reported four accidents where airplane misfueling was found to have contributed to the accidents. The modification is necessary to prevent further misfueling and thereby preclude in-flight engine failure.

**EFFECTIVE DATE:** November 12, 1987.

**Compliance:** As prescribed in the body of the AD.

**ADDRESSES:** Gulfstream Aerospace Corp., Service Information No. SI-209 dated July 15, 1986, applicable to this AD may be obtained from Gulfstream Aerospace Corporation, Wiley Post Airport, P.O. Box 22500, Oklahoma City, Oklahoma 73123. This information may be examined at the Rules Docket, FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

**FOR FURTHER INFORMATION CONTACT:** Alma Ramirez-Hodge, Aerospace Engineer, Airplane Certification Branch, ASW-150, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0150; Telephone (817) 624-5147.

**SUPPLEMENTARY INFORMATION:** A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD requiring the modification of the fuel filler port on certain Gulfstream 500/600/700 series airplanes equipped with reciprocating engines was published in the Federal Register on June 8, 1987, (52 FR 21574). The proposal responded to an NTSB Recommendation which reported

four accidents as a result of in-flight engine failures on Gulfstream Model 500/600/700 series airplanes. These airplanes have reciprocating engines in which misfueling with jet fuel caused the engine failures. Further, the NTSB report indicates that most cases of misfueling occur with light, twin-engine, piston-powered airplanes which are similar in appearance to turbine engine-powered airplanes.

In recent years, the frequency of accidents involving misfueling with jet fuel has increased significantly despite efforts of the FAA and other interested parties. On September 17, 1982, and October 5, 1984, the FAA issued two Advisory Circulars (AC) Nos. 20-116 and 20-122, "Marking Aircraft Fuel Filler Openings with Color Coded Decals," and "Anti-Misfueling Devices: Their availability and Uses." Both recommend methods to prevent airplane misfueling. However, the level of response to these AC's appears low considering the nature of the problem and the number of airplanes involved. Therefore, in the interest of aviation safety, the modification to the fuel filler port was recommended by the NTSB.

Interested persons have been afforded an opportunity to comment on the proposal. Five commenters responded. Three commenters concurred with the proposal.

A fourth commenter asserts that it will cost the manufacturer millions of dollars to comply with the proposed AD. The commenter further suggests that instead of paying for airplane modifications, the monies be used on initial education and recurrent training of airplane fueling operators. The FAA agrees that additional training could benefit the fueling operations but disagrees on withdrawing the AD. Although, well trained personnel should be the goal of all fueling facilities, it is not the only avenue to safe fueling that should be pursued. The FAA has determined that it is appropriate to require installation of fuel filler port restrictors on Gulfstream 500/600/700 series airplanes.

A fifth commenter restated the comments submitted to the FAA as comments to Docket No. 24911 of the Federal Register dated March 27, 1986, "Petition to Require That Fueling Ports in Piston Engine Powered Civil Aircraft be Restricted to Less Than 2.5 Inches in Diameter" and the subsequent NTSB recommendation which has been incorporated in this AD. The commenter stated that it is reasonable to apply the AD to a few airplane models which have similar turbin variants but questions the omission of the Beech Model 65 which



was originally equipped with piston engines but subsequently retrofitted with turbine engines. The commenter also questions the disparity in estimated cost between the petition published in March 27, 1986, and the expected cost of modifying Gulfstream 500/600/700 series airplanes. The commenter stated that the issuance of the AD is only one answer to the multifaceted problem and encourages the industry to continue educating operators on airplane fueling safety.

FAA concurs with the need for continuing education. In addition, FAA will consider the commenter's recommendation to include other airplanes in the modification requirements and may initiate separate rulemaking action. The FAA has reviewed the cost discrepancies and does not believe that this constitutes sufficient justification to withdraw the AD. The cost statements in the petition were based on general aviation industry information and not the manufacturers actual modification cost. The AD allows other equivalent means to compliance to be used if approved.

Therefore the AD is being adopted without change.

The FAA has determined there are approximately 1,995 airplanes affected by this rule. The cost of modifying these airplanes would depend on the number of fuel filler caps on the airplane. For all model airplanes except the Model 700, the approximate one-time cost per tank is \$105. The approximate one-time cost for the Model 700 is \$228.

Gulfstream Models 500, 500A, 500B, 500U, 500S, 520, 560, and 560A airplanes have only one filler cap. Gulfstream Models 560E, 560F, 680, 680F, 680FP, 680FL, 680FLP, and 720 airplanes have three filler caps. Model 700 airplanes have two filler caps and two optional filler caps. The total cost to modify the fleet will be \$405,830. The cost of complying with this AD therefore will not have a significant financial impact on any small entities owning affected airplanes.

Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation has been prepared for this action. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the FAR as follows:

#### PART 39—[AMENDED]

1. The authority citation for Part 39 continues to read as follows:

**Authority:** 49 U.S.C. 1354(a), 1421, and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89

#### § 39.13 [Amended]

2. By adding the following new AD:

**Gulfstream:** Applies to Models 500, 500A, 500B, 500U, 520, 560, 560A, 560E, 560F, 680, 680E, 680F, 680F(P), 680FL(P), and 720 (S/N 1 through 1854); and Models 500S (S/N 1755 through 3323), 680FL (S/N 1261 through 1853), 685 (S/N 12001 through 12066), and 700 (S/N 70001 through 70032) airplanes equipped with reciprocating engines certificated in any category.

**Compliance:** Required as indicated unless already accomplished.

To preclude misfueling of the airplane resulting in engine failure, accomplish the following:

(a) Within the next 12 calendar months after the effective date of this AD, unless already accomplished, modify all fuel filler opening(s) in accordance with the instructions contained in Gulfstream Service Information No. SI-209, dated July 15, 1986.

**Note:** AD 73-6-2 (38 FR 6989; March 15, 1973), applicable to certain of the above-referenced airplanes, is a prerequisite to the accomplishment of the actions prescribed in this AD.

(b) Airplanes may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) In accordance with FAR Part 43, Appendix A, item (c)29, the modifications required by this AD are preventative maintenance and may be performed by the holder of a pilot certificate issued under FAR Part 61 on airplanes owned or operated by him, subject to the limitations of FAR 43.3(g). The maintenance record entries required by FAR's 43.9 and 91.173 must be accomplished.

(d) An equivalent means of compliance with this AD may be used if approved by the Manager, Airplane Certification Branch, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0150, Telephone (817) 624-5150.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to the Gulfstream Aerospace Corporation, Wiley Post Airport, P.O. Box 22500, Oklahoma City, Oklahoma 73123; or

FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on November 12, 1987.

Issued in Kansas City, Missouri, on September 17, 1987.

**Jerold M. Chavkin,**

*Acting Director, Central Region.*

[FR Doc. 87-23519 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF ENERGY

#### Federal Energy Regulatory Commission

18 CFR Parts 2, 154, 157, 201, 270, and 271

[Docket Nos. RM83-72-011, RM87-72-012, RM82-16-011, and RM82-16-012]

#### Pricing of Pipeline-Produced Natural Gas

Issued: October 7, 1987.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order granting rehearing solely for the purpose of further consideration.

**SUMMARY:** In Order No. 391-B, 40 FERC ¶ 61,174 (1987), the Federal Energy Regulatory Commission, on remand from the United States Court of Appeals for the District of Columbia Circuit, reaffirmed its interpretation of section 104 of the NGPA to allow pipeline production from old wells on old leases to be priced on a par with independent producer's gas. The Commission is issuing an order granting rehearing solely for the purpose of further consideration of requests by Mid-West Energy, Inc. for rehearing and by Wexpro Company for rehearing or clarification of Order No. 351-B.

**EFFECTIVE DATE:** October 7, 1987.

**FOR FURTHER INFORMATION CONTACT:** Richard A. White, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8696.

#### SUPPLEMENTARY INFORMATION:

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

#### Order Granting Rehearing Solely for the Purpose of Further Consideration

On August 10, 1987, the Commission issued Order No. 391-B in response to the court remand of Order Nos. 391 and 391-A. Order No. 391-B upheld the Commission's prior determination that pipeline production previously priced on



a cost-of-service basis qualifies for the same ceiling price under the NGPA as gas sold by independent producers.

On September 9, 1987, Midwest Energy, Inc. filed a request for rehearing of Order No. 391-B asserting that the Commission's order is a clearly erroneous construction of the NGPA.

On September 9, 1987, Wexpro Company filed a request for rehearing or clarification of Order No. 391-B seeking clarification as to whether the independent producer rate also applies to Wexpro's unique situation. Wexpro Company states that because its predecessor, Mountain Fuel, operated as a producer, an interstate pipeline, and a local distribution company, there was no sale for resale and no just and reasonable rate established by the Commission although its dedicated gas was subject to cost-of-service rate regulation through state regulation of retail sales.

Under Rule 713(f) of the Commission's rules of practice and procedure, these requests will be denied by operation of law if not acted on by the Commission within 30 days. In order to afford additional time for consideration of the issues raised in the requests for rehearing, the Commission will grant rehearing of the August 10, 1987 order for the limited purpose of further consideration.

#### *The Commission Orders*

Midwest Energy Inc.'s and Wexpro Company's requests for rehearing are granted solely for the purpose of further consideration. As provided in Rule 713(d) of the Commission's rules of practice and procedure, 18 CFR 385.713(d), no answers to the requests for rehearing are permitted.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23621 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

#### **18 CFR Part 11**

[Docket Nos. RM86-2-002, -003, -004;  
Order No. 469-A]

#### **Revision of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges**

Issued: October 7, 1987.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Order denying rehearing.

**SUMMARY:** On May 8, 1987, the Federal Energy Regulatory Commission (Commission) issued Order No. 469, a final rule that amended Part 11 of its regulations under the Federal Power Act (Act) revising the billing procedures for annual charges for administering Part I of the Act, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges. Three commenters on the final rule filed separate requests for rehearing of the above-captioned proceeding, pursuant to 18 CFR 385.713 (1987). The applicants all argue, *inter alia*, that the final rule went beyond the scope of the notice. The Commission is denying rehearing of Order No. 469.

**EFFECTIVE DATE:** October 7, 1987.

#### **FOR FURTHER INFORMATION CONTACT:**

James R. Keegan, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, (202) 357-8542.

#### **Order Denying Rehearing**

Before Commissioners: Martha O. Hesse, Chairman; Anthony G. Sousa, Charles G. Stalon, Charles A. Trabandt and C.M. Naeve.

#### *I. Introduction*

The Commission is denying rehearing of Order No. 469,<sup>1</sup> a final rule that amended Part 11 of its regulations under the Federal Power Act (FPA) (16 U.S.C. 791 through 825). The final rule revised the billing procedures for annual charges for administering Part I of the FPA, the billing procedures for charges for Federal dam and land use, and the methodology for assessing Federal land use charges.

#### *II. Background*

Prior to the Commission's revisions in Order No. 469, since 1942, annual charges for government land used by hydroelectric licensees were based on a national average land value multiplied by a rate of return. The national average land value used by the Commission had remained at \$150 an acre since 1976. The rate of return was based on the rate used by the United States Water Resources Council, but this rate is barred by statute from being changed more than one-quarter of a percent in any year.

On December 30, 1985, the Commission issued a notice of proposed rulemaking (NOPR) proposing to change the methodology used in computing charges for the use of Federal lands to

correct an undercollection of charges, in response to recommendations of the Inspector General.<sup>2</sup> The Inspector General had concluded that the land value and the interest rate employed by the Commission's then current regulations were outdated, resulting in an undercharging of licensees by approximately \$15.2 million each year for the use of about 168,000 acres of Federal land. The Inspector General recommended revising the Commission's regulations to base these land use charges on the current fair market value of the land being used and the current long-term government borrowing rate. The Inspector General also recommended replacing the national average land value with State-by-State averages.<sup>3</sup>

The Commission originally proposed in the NOPR to remedy this undercollection of charges by revising the existing methodology to reflect a more current value of lands and a more precise rate of return. The NOPR noted that the USFS and the Bureau of Land Management of the United States Department of the Interior (BLM) were jointly conducting a market survey to establish representative market values for various types of linear rights-of-way crossing lands administered by the two agencies, and that the market survey data would be used by USFS and BLM to establish geographical zones of similar land values from which to develop a rental schedule for linear rights-of-way. The Commission proposed adopting the fees established by the USFS methodology for linear rights-of-way. Finally, the Commission requested comment on whether it should continue to assess lands used for transmission line rights-of-way at one half the rate of other Federal lands.<sup>4</sup>

The Commission issued a supplemental request for comments on December 23, 1986, on its proposal to base the land use charges on the USFS's recently published index of values of linear rights-of-way, since the index had not yet been published when the NOPR was issued. In its request, the Commission proposed to use the per-acre fee for electric transmission line

<sup>2</sup> Revisions of the Billing Procedures for Annual Charges for Administering Part I of the Federal Power Act and to the Methodology for Assessing Federal Land Use Charges, 51 FR 211 (January 3, 1986).

<sup>3</sup> Assessment of Charges Under the Hydroelectric Program, DOE-IG Report No. 0219 (September 3, 1986); See also More Effort Needed to Recover Costs and Increase Hydropower Charges, U.S. General Accounting Office Report No. RCED-87-12 (November 1986).

<sup>4</sup> Notice of proposed rulemaking, 51 FR 211 (January 3, 1986).

<sup>1</sup> Order No. 469, 52 FR 18201 (May 14, 1987) III FERC Stats. and Regs. ¶ 30,741 (1987).



rights-of-way as published by the USFS both for the Commission charges for transmission line rights-of-way and for the charges for Federal lands for other than transmission line uses.<sup>5</sup>

In brief, the USFS methodology is based upon a survey of market values for the various types of land that it has allowed to be occupied by linear rights-of-way. The schedule is divided into regional zones and provides per-acre rental fees by state and county. These fees are arrived at by multiplying the raw value of the land in each zone by a rate of return. The fees were adjusted downward to reflect the value difference between rights-of-way authorization granted by private landowners and those issued by the government for electrical transmission, electrical distribution, telephone and other linear rights-of-way (70 percent of the zone right-of-way value); and energy pipelines, ditches, canals, and road rights-of-way (80 percent).<sup>6</sup> The final rule adopted the USFS methodology, applying the 70 percent adjusted rate for transmission line rights-of-way and assessing all other Federal land at twice the transmission line rate.

### III. Discussion

The Edison Electric Institute (EEI), Southern California Edison Company (SCE), and Pacific Gas and Electric Company (PG&E) filed requests for rehearing of the final rule. The applicants raise no objections to the change in billing procedures established in the final rule. However, they oppose some aspects of the new methodology for assessing Federal land use charges. These issues are addressed below.

#### A. Scope of Notice

EEI, SCE, and PG&E argue that they were not provided with an opportunity to comment on the rule as adopted, because the rule went beyond the scope of the NOPR and the supplemental notice. They contend that establishing charges for non-transmission line project land use that are double the USFS per-acre fees, and not adopting USFS methodology in its entirety (including subclasses of charges for telephone and distribution lines, and for canals, roads, ditches, and pipelines) went beyond the proposal.

The Commission rejects this argument. The Administrative Procedure Act<sup>7</sup> requires only that the NOPR

include a description of the subjects and issues involved in the proposal, rather than the specifics of every proposal the Commission may ultimately adopt.<sup>8</sup> A NOPR serves to fairly apprise interested persons of the subject and issues of the rulemaking. A final rule need not be an exact replica of the proposal. The final rule must only be a logical outgrowth of the proposal.<sup>9</sup>

In this instance, the NOPR was adequate to provide the public with notice of the possible alternatives to the proposal. The NOPR proposed adopting the USFS methodology as a method of assessing Federal land use charges. The USFS methodology specifically applies to transmission line rights-of-way. The NOPR also proposed discontinuing the practice of assessing charges for lands used for purposes other than transmission line rights-of-way at twice the rate for lands used for transmission line rights-of-way.<sup>10</sup> The Commission adopted the USFS methodology but, partly in response to the comments received requesting that the 50-percent differential be maintained,<sup>11</sup> did not adopt the proposal to eliminate the discount for transmission line rights-of-way.

In fact, in order to ensure that all interested parties had an opportunity to comment on the proposal, the Commission issued a notice requesting additional comments once the USFS methodology had become final. Here, the notice proposed using the USFS methodology for both classes of land. The fact that the Commission did not adopt the proposal to eliminate the discount is not an indication that the final rule exceeded the scope of the notice; it is inherent in the notice and comment procedure that the Commission may decide on the basis of the comments to adopt or not to adopt a proposal, or to modify a proposal.<sup>12</sup> The Commission adopted the USFS methodology for the type of lands for which it was intended to represent, and chose to continue billing twice that amount for other lands, as suggested by the commenters. Therefore, the final rule was a logical outgrowth of the NOPR.

<sup>5</sup> *Penzoil Co. v. FERC*, 645 F.2d 360, 371 (5th Cir. 1981), cert. denied, 454 U.S. 897 (1982).

<sup>6</sup> *National Black Media Coalition v. F.C.C.*, 791 F.2d 1016, 1022 (2d Cir. 1986).

<sup>7</sup> 51 F.R. 211, at 214 (January 3, 1986).

<sup>8</sup> Commenters opposed to the elimination of the 50-percent differential are: EEI, PG&E, Public Service Company of Colorado, Northern Colorado Water Conservancy District, Minnesota Power, Idaho Power Co., Seattle City Light, and Sacramento Municipal Utility District, et al.

<sup>9</sup> See *Penzoil Co. v. FERC*, 645 F.2d 360 (5th Cir. 1981) cert. denied, 454 U.S. 897 (1982).

In addition, the Commission is not persuaded by the argument that, by not adopting the USFS methodology in full to create new classes of land charges for telephone lines, ditches, canals, and other such uses, the commenters were deprived of notice of what was proposed. This new subclassification was never proposed or even mentioned. The NOPR indicated that the Commission has only two classifications of types of land associated with hydropower projects, a fact that is clearly evident in the regulations.<sup>13</sup> Therefore, the final rule clearly did not go beyond the scope of the NOPR and the supplemental notice.

#### B. Basis for the 50-Percent Reduction for Transmission Line Rights-of-Way

EEI argues that neither the comments received nor the USFS's policy behind their methodology support the Commission's rationale for doubling the USFS per-acre fee for non-transmission line land use.

First, EEI asserts that the USFS methodology was based on market values adjusted downward by 30 percent, and that doubling these charges for non-transmission line lands results in charging 140 percent of the actual land value. EEI recommends eliminating the 30 percent adjustment for non-transmission line lands rather than doubling the USFS fees. EEI alleges that this will base non-linear land charges on actual land values. Second, EEI argues that the comments that support retaining the 50-percent discount for transmission-line land-use were not relevant to the USFS methodology the Commission adopted, since they were responding to a proposed methodology based on agricultural land values and were intended to ameliorate the deficiencies in that methodology. Finally, EEI questions the Commission's reliance on the Inspector General (IG) Report's assertion that the national land values were outdated, resulting in an undercharging for land use, when the final rule also found the Report to be flawed. EEI claims that the Commission applied reasoning that it had rejected as deficient in the same order. Each of these arguments is addressed below.

The Commission is not persuaded by EEI's suggestion that charges for transmission line lands should be assessed using the USFS fees, and charges for other lands should be assessed about 42 percent higher (to

<sup>8</sup> Notice requesting supplemental comments, 52 FR 82 (January 2, 1987).

<sup>9</sup> Department of Agriculture, Forest Service, Linear Rights-of-Way Fees, 51 FR 44014 (December 5, 1986).

<sup>10</sup> 5 U.S.C. 553(b)(3) (1982)

<sup>13</sup> 18 CFR 11.02 (1987). The Commission also assessed charges differently for land adjoining Government dams (18 CFR 11.03), but these lands were not the subject of this rulemaking.



reflect the fact that under the USFS methodology transmission-line lands were allegedly valued at 30 percent below the market value of other lands). The USFS methodology was intended specifically for linear rights-of-way use of Federal lands, and the base land values were based on market values for linear rights-of-way. The 30 percent differential in these rates reflects the difference in the value of linear rights-of-way on Federal lands and those on non-Federal lands, and not a difference between the market value of transmission line lands and non-transmission line lands. Therefore, the Commission will not be assessing charges at 140-percent of their market value, as EEI alleges.

In response to EEI's second argument, the Commission notes that the comments on eliminating at 50-percent reduction for transmission line lands were not made to ameliorate the inequity of the proposed use of farm values in assessing lands charges. Eight commenters submitted substantive comments on the issue of charging for nontransmission line lands at twice the value of transmission line lands. All eight, including EEI, objected to elimination of the different treatment of the two types of lands to encourage multiple uses of the lands, because of the limited use of the licensees, and to be consistent with right-of-way compensation and appraisal practices in the private sector. No commenter argued that retaining the discount was necessary because of the proposed use of the farm-values index. The Commission relied on these comments and on the USFS's suggestion that the Commission apply its transmission-line lands-fees to the linear rights-of-way, using different factors for other lands, in retaining the 50 percent differential.

Finally, EEI's claim that the IC's Report could not be rejected and relied upon in the same order ignores the fact that the Commission rejected that part of the report that was related to the use of farm values to assess charges for hydropower projects. Commenters unanimously agreed with the Commission. The Commission relied on the report only to show that the national-average land value was outdated.

#### C. Other Subclasses of Lands

The applicants argue that the Commission should also adopt the USFS charges for other uses of lands, such as telephone lines, distribution lines, ditches, and canals.

The Commission rejects this suggestion. Such a proposal would require the Commission to appraise

every project, a procedure it abandons by promulgating the final rule. Currently, the Commission has a billing index which contains a breakdown of each project according to how many acres of Federal lands are used for transmission line rights-of-way, and how many acres are used for other purposes. If the Commission were to adopt the applicants suggestion, it would have to undertake the burdensome task of reappraising every project that uses Federal lands in order to determine how many acres are being used for each of the USFS described uses. SCE also urges that the Commission adopts a subclassification for project uses that would have little adverse impact on the land (SCE cites buried powerhouses as an example of such a use). The Commission also rejects this suggestion because it, too, would require it to reevaluate hundreds of hydroelectric projects.

By the Commission,

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23619 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

#### 18 CFR Parts 271 and 389

[Docket No. RM86-7-000; Order No. 473]

#### Compression Allowances and Protest Procedures

October 7, 1987.

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Final rule, notice of OMB control number.

**SUMMARY:** On June 23, 1987, the Federal Energy Regulatory Commission, issued a final rule (Order No. 473) in Docket No. RM86-7-000, 52 FR 21660 (June 9, 1987), amending its regulations governing compression allowances and protest procedures under section 110 of the Natural Gas Policy Act of 1978. The information collection provisions were submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act. OMB has provided an OMB control number.

**EFFECTIVE DATE:** August 10, 1987.

**FOR FURTHER INFORMATION CONTACT:** Arthur W. Iler, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426 (202) 357-5275.

**SUPPLEMENTARY INFORMATION:** The Paperwork Reduction Act, 44 U.S.C. 3501 through 3520 (1982), and the Office of Management and Budget's (OMB)

regulations, 5 CFR Part 1320 (1987) require that OMB approve information collection requirements imposed by agency rule. OMB has approved the information collection requirements of the NGPA Section 110 Protest Procedures in Order No. 473. OMB issued Control Number 1902-0057 for § 154.94(k) of the Commission's regulations. The control number is effective August 10, 1987.

Accordingly, Part 389, Chapter I, Title 18, Code of Federal Regulations, is amended as set forth below.

Kenneth F. Plumb,

Secretary.

#### PART 389—OMB CONTROL NUMBERS FOR COMMISSION INFORMATION COLLECTION REQUIREMENTS

1. The authority citation for Part 389 continues to read as follows:

**Authority:** Paperwork Reduction Act of 1980 (44 U.S.C. 3501-3520) (1982).

##### § 389.101 [Amended]

2. The table of OMB control numbers in § 389.101(b) is amended by inserting "154.94(k)" in numerical order in the "section" column and "0057" in the corresponding position in the "OMB control number" column.

[FR Doc. 87-23618 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Food and Drug Administration

#### 21 CFR Parts 310 and 314

[Docket No. 86N-0392]

#### Revision of Rules Governing Postmarketing Reporting of Adverse Drug Reactions

**AGENCY:** Food and Drug Administration.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is revising the regulations governing the postmarketing reporting of adverse drug reactions in order to improve patient safety. Specifically, the agency is modifying requirements for the submission of 15-day Alert reports and clarifying the reporting obligations of a drug firm conducting a study with a marketed drug. The changes are intended to improve the effectiveness of the adverse drug reaction reporting system by focusing FDA's prompt review on reports of truly serious adverse reactions.



**EFFECTIVE DATE:** These final regulations are effective November 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Philip L. Paquin, Center for Drugs and Biologics (HFN-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8049.

**SUPPLEMENTARY INFORMATION:**

**1. Introduction**

In the Federal Register of December 30, 1986 (51 FR 47028), FDA proposed several changes to the rules governing the reporting of adverse drug experiences associated with the use of marketed new drug products and marketed prescription drugs for human use without approved new drug applications. FDA proposed these changes to increase patient safety by improving the effectiveness of FDA's postmarketing surveillance of drug products. The agency provided until March 2, 1987, for interested persons to submit written comments on these proposed changes.

Highlights of this final rule and a discussion of related issues are contained in the following sections. The remainder of the preamble is devoted to an analysis of comments received and the agency's responses to them.

**II. Highlights of the Final Rule**

**1. Revision of the Definition of "serious" Adverse Experience**

The current regulations require the marketer of a new drug product to report to FDA any adverse drug experience that is both serious and unexpected no later than 15 days after learning of the experience. A serious adverse experience is defined as "an adverse drug experience that is life-threatening, is permanently disabling, requires inpatient hospitalization, or requires prescription drug therapy." In addition, an adverse drug experience with one of the following outcomes is always considered serious: death, congenital anomaly, cancer, or overdose. Thus, an adverse drug experience is "serious" if it results in any of the outcomes listed in the definition.

The agency is deleting "requires prescription drug therapy" from the definition of "serious" adverse drug experience. As explained in the proposal, the agency has found that the "requires prescription drug therapy" element of the definition has resulted in the submission of large numbers of 15-day Alert reports for events that are not sufficiently severe to warrant agency review as a 15-day Alert report. In addition, because almost all important and severe reactions requiring prescription drug therapy also satisfy

other criteria of serious (in that, for example, they result in hospitalization or death), nearly all significant reactions will continue to be reported to FDA as 15-day Alert reports even in the absence of the prescription drug therapy criterion. In the very few cases where this is not so, it is anticipated that there will be instances of the same reaction in other patients that do meet other criteria for "serious." Moreover, spontaneous reports of domestic reactions to new drugs with approved new drug applications that do not satisfy any of the criteria of "serious" will still be reported to FDA in periodic reports (quarterly during the first 3 years of marketing a new drug), and become part of the agency's data base concerning the drug.

**2. Obligations of a Sponsor of a Postmarketing Study**

Currently, the holder of an approved marketing application for a drug product who sponsors a postmarketing study of that drug under an investigational new drug application (IND) is subject to the adverse drug reaction reporting requirements of both the IND regulations (21 CFR Part 312) and the new drug regulations (21 CFR Part 314). In this final rule, the agency is minimizing unnecessary dual reporting to the IND and new drug application (NDA) files by providing that adverse events from clinical investigations and other postmarketing studies be reported under § 314.80 (21 CFR 314.80) only if there is a reasonable possibility that the event is causally related to the drug exposure. Otherwise these events will be reported solely to the IND files. This revision in the reporting requirements also applies to postmarketing studies that are not conducted under an IND. Therefore, reports of adverse experiences from such studies need to be reported under § 314.80 only if they satisfy the criteria of a 15-day Alert report and there is a reasonable possibility that the event is causally related to the drug exposure.

**3. Elimination of Periodic Reporting of Adverse Drug Experience Information Obtained From Postmarketing Studies**

The agency is revising § 314.80(c)(2)(iii) to eliminate periodic reporting requirements for adverse drug experience information obtained from postmarketing epidemiological/surveillance studies (except for information regarding 15-day Alert reports). Routine information derived from such studies has proven to be of little help to the agency's postmarketing surveillance program. This revision does not affect the requirement that

applicants submit postmarketing studies pertinent to safety, including epidemiological studies, in their annual reports under 21 CFR 314.81(b)(2)(vi).

**4. Conforming Amendment**

In the Federal Register of July 3, 1986 (51 FR 24476), FDA adopted a rule requiring 15-day Alert reporting for marketed prescription drugs not the subject of approved applications (21 CFR 310.305). Those rules were patterned after the adverse drug experience reporting provisions in § 314.80. To ensure consistency between these two sets of rules, the agency is revising the reporting requirements in § 310.305 to adopt changes identical to those made in this document for adverse drug reaction reporting on approved new drugs.

**III. Comments on the Proposed Rule and FDA Responses**

**1. Comments on the Proposed Revision of the Definition of "serious" Adverse Experiences**

Thirteen comments concurred with or supported this proposed revision. One comment objected, contending that the use of a prescription drug, even in the absence of other criteria of serious, should be considered serious and should be reported to FDA as a 15-day Alert report. The comment argued further that submission of such reports as 15-day Alert reports is necessary in order for FDA to assess the frequency of a reaction as rapidly as possible. The comment discussed adverse reaction reporting experiences with two drugs, reports of kidney damage (flank pain) with suprofen (Suprol) and reports of anaphylaxis with zomepirac (Zomax), in support of its view that without the prescription drug therapy criterion many serious drug reactions will not be reported to the agency in a timely manner.

Contrary to the comment's assertions, analysis of suprofen and zomepirac reporting reveals that FDA's reporting experiences for these two drugs support the current revision. In the case of suprofen, the comment stated that 75 percent of 300 cases of reported flank pain lacked one of the other criteria and probably received a prescription drug. The comment argued that if the prescription drug criterion were dropped, therefore, these cases of flank pain would not have been promptly reported. However, an FDA review of suprofen reports reveals that of 328 case reports of flank pain for the drug about 25 percent came directly to FDA and not through the manufacturer. The critical



reports of flank pain were the first 16 reports received by the agency prior to April 29, 1986, the date on which the first "Dear Doctor" letter concerning flank pain was issued. Of these 16 reports, 7 involved hospitalization while 3 others were direct reports that would have been received by FDA regardless of the regulation. These 10 reports, 7 of hospitalization and 3 direct reports, were received in the first 2 weeks of March 1986 and triggered an FDA request to the manufacturer for expedited submission of all future flank pain reports and for the issuance of the "Dear Doctor" letter that was the main stimulus for subsequent reporting. Only 1 of the 16 initial suprofen reports had treatment with a prescription drug as the sole basis for submission. No outcome was identified in the other 5 reports, which were expedited to FDA by the manufacturer for unknown reasons, apparently prior to FDA's request. Thus, the cited example of suprofen actually supports the proposed change because it shows that the prescription drug therapy criterion did not add significantly to early detection of and FDA's response to the signal of a flank pain reaction.

The comment also contended that the zomepirac reporting experience illustrates the need to receive reports involving prescription drug therapy as 15-day Alert reports. The comment noted that all persons experiencing severe allergic reaction to zomepirac no doubt received prescription medication but that many such reactions may not have qualified as serious under the other criteria. However, of the 1,105 reports of anaphylactoid reaction received by FDA for zomepirac, 341 involved death or hospitalization. Thus, a clear signal of zomepirac's anaphylactic side effect was apparent without the prescription drug therapy criterion.

It must be appreciated that the reason for the distinction made between 15-day Alert reports and other reports is to allow FDA to devote specific resources to early, intense examination of adverse drug reaction reports most likely to contain important new safety information about a drug. Large numbers of reports are not required to trigger this type of intense examination. The system is designed to provide "early warning" signals and the agency follows up even on very small numbers of reports. While periodic reporting of less serious events may be important in a confirmatory sense and improve the agency's understanding of the spectrum of effects which may be associated with the drug, requiring 15-day reporting of events that lead only to prescription drug therapy is

not necessary and may actually impede the effective operation of the agency's postmarketing study system. If the definition of serious is too broad, therefore, thus capturing many nonserious events in an attempt to avoid missing any potentially serious event, early triaging is impossible and effective patient protection is diminished. The proposed change is intended to facilitate such triaging and thereby enhance patient safety. Data presented in the preamble to the proposed rule (51 FR 47028) as well as a review of the suprofen and zomepirac reporting experiences support the revision. Therefore, consistent with the proposal, the final rule amends the definition of serious to remove the prescription drug therapy criteria.

## *2. Other Comments on the Definition of Serious*

The current definition of serious adverse drug experience includes overdose as an outcome that is always considered serious. The December 30, 1986, proposal (51 FR 47028) did not propose any revision to this aspect of the definition of serious. Nevertheless, a number of comments were received concerning overdose. One comment noted that overdoses were deemed always serious by the regulation but that a prior letter issued by the agency on September 12, 1985, indicated that: (i) An overdose without resultant signs or symptoms need not be reported, (ii) an overdose resulting in labeled consequences should be reported in the periodic report, and (iii) an overdose resulting in consequences not in the label requires a 15-day Alert report. Five comments suggested the need to clarify the requirement that it is the consequences of an overdose, not the act of overdose itself (without adverse effects), that must be reported. Another comment suggested deleting the requirement for a 15-day Alert report for an overdose. Another comment suggested that there is no need to specifically identify overdose as serious since it should be the medical consequences of the overdose (e.g., hospitalization or death) that constitute the reportable event.

The agency agrees that it is the medical consequences of overdose that trigger the 15-day reporting requirement, but believes that the regulation on the reporting of overdoses is clear in light of the 1985 agency guidance and sees no need for further revisions, at this time, to the definition of serious. When an overdose results in unlabeled consequences, it should be reported as a 15-day Alert report so that FDA can give it immediate attention. FDA believes

that overdose should continue to be specifically identified as a serious adverse reaction in the regulation to give the event appropriate visibility and priority. The agency's position on the reporting of overdoses described in the September 12, 1985, letter referred to in the comments continues to reflect FDA's position on this requirement.

Several comments were made about the "life-threatening" criterion in the definition of serious, noting that the term is "judgmental, arbitrary, subjective, vague, confusing, unnecessary" and will result in the submission of too many 15-day Alert reports. One comment suggested that Form FDA-1639 be modified to include the term "life-threatening." Another comment suggested that one of the other criterion for serious would almost always be met in a life-threatening situation.

The term "life-threatening" cannot be defined with great precision but must, of necessity, involve some judgment. In the adverse drug reaction reporting context, a "life-threatening" adverse reaction means that the patient was, in the view of the initial reporter, at immediate risk of death from the reaction (emphasis added). The absence of a checkoff box for life-threatening on Form FDA-1639 should no more inhibit reporting of events qualifying for reporting under the life-threatening criteria than of events determined to be serious because they represent reports of cancer, overdose, or congenital anomaly. Applicants should indicate in item 7 of Form FDA-1639 the criterion for the classification of serious other than those included as checkoff boxes.

Four comments asked for clarification of the terms "hospitalization" and "disability." The agency advises that "hospitalization" includes prolongation of existing hospitalization. "Disability" means permanent and substantial disruption of one's ability to carry out normal life functions.

FDA plans to issue "Guideline for Reporting Adverse Drug Reactions (ADR's)" to provide further clarification of the agency's position on the issues addressed by these and other comments.

## *3. Reporting Obligations For Adverse Drug Reactions From Postmarketing Studies*

One comment objected to imposing on the applicant the requirement of making an assessment of possible causality for reports derived from postmarketing studies. This comment contends that whenever a drug precedes an adverse experience, causality is possible and, as a result, the proposed revision will not



reduce the number of uninformative reports submitted to FDA.

FDA disagrees with this comment. Requiring a causality assessment of serious unexpected events found during postmarketing investigations clearly will reduce some uninformative reporting. Only experiences meeting the 15-day Alert criteria and for which there is a reasonable possibility that the drug caused the adverse experience must be reported for events found during postmarketing studies. Although it may be possible, as the comment contends, to consider any adverse event following drug administration as possibly causally related to the drug, not all such possibilities are "reasonable;" those events which are not reasonably causally related to drug exposure may be excluded under this criterion. Currently, if the use of a marketed drug in a study setting results in a serious event, the event must be reported even if it clearly was not caused by the drug. For example, if an antibiotic is being tested for its ability to control postoperative infections and the patient dies from bleeding at the wound site due to mechanical factors, the bleeding death is reportable under current requirements. Under the revised regulation, such an event would not be reportable, because the event is not reasonably attributable to the drug.

One comment stated that causality judgments should be made by the investigator rather than the applicant.

FDA would not object to an applicant's receiving assistance in making a causality assessment from the investigators who are conducting the investigation. However, the responsibility for reporting such adverse drug reactions ultimately remains with the applicant.

One comment recommended that, to avoid duplication, reports of adverse drug reactions from postmarketing studies should be submitted only to the NDA files, and not to the IND files.

Reporting to IND and NDA files serves somewhat different purposes and differing types of reviews and evaluations are performed on the files by the agency. For example, IND safety files are primarily used to determine if a trial should continue and to assemble a specific safety profile for the population and indication being tested. NDA files, on the other hand, are used to identify new information that could affect product labeling for all existing approved uses. IND data almost always require comparison with a control group, while postapproval data require other types of comparison. Thus, some dual reporting is necessary because of the differing approaches and purposes

involved. However, the revisions made in this final rule have sought to minimize such duplication.

Two comments objected to cross-referencing NDA reporting requirements with the IND regulations. One comment noted that the preamble to the proposed revision exempts an applicant from the obligation to report an adverse drug experience obtained from a postmarketing clinical study of the drug to its approved NDA file unless the experience represents both a reportable finding within the meaning of § 312.1(a)(6) (now § 312.32, published in the *Federal Register* of March 19, 1987; 52 FR 8837) and a finding that must be reported under § 314.80. The comment stated that, as described in the preamble, the exemption would only apply to IND studies and asks if this was the intent of the proposed revision. The comment recommends that "unless the experience is also reportable under § 312.1 \* \* \*" be revised to state "unless the applicant concludes that there is a reasonable possibility that the drug caused the adverse experience."

The agency agrees with this comment that there is no need to cross reference portions of the IND rule. Consequently, the final rule replaces references to the IND regulations with the phrase "applicant concludes that there is a reasonable possibility that the drug caused the adverse experience." Further, it was not the agency's intention to limit the proposed revisions in reporting requirements to studies conducted under an IND. The agency stated clearly in the proposed rule that the revisions also apply to studies not conducted under an IND.

Two comments objected to the application of causality assessments to reports from postmarketing trials for purposes of reporting to the NDA file. One comment contended that requiring an assessment of the possibility that an adverse event is causally related to the drug exposure in a study setting before requiring the reporting of the event will weaken protection of the American consumer. This comment contended that, in postmarketing studies, events are not monitored as intensely as they are in premarketing studies so that reports from postmarketing studies do not differ substantially from spontaneous reports. One comment stated that the agency places too much reliance on the distinction between use of a drug in clinical practice and its use in a study. The comments concluded that, as a consequence, the same reporting criteria should apply to both settings.

The agency thinks that these comments fail to recognize several

important differences between the study setting, including epidemiological and surveillance studies, and the practice setting from which spontaneous reports arise. In a study setting reports of adverse events—even minor ones—are specifically sought routinely, often with no attempt to include only those events that are plausibly drug related and often with such encouragements to reporting such as questionnaires. Moreover, in formal clinical studies, postmarketing or premarketing, it is usual for all adverse events to be reported. It is common, even in placebo groups, to have adverse events of some kind reported in 25 to 50 percent of the patients. Spontaneous reports, on the other hand, occur at a much lower rate and generally involve an assessment by the reporter of the "drug-relatedness" of the adverse experience. Thus, there are significant differences between reports from postmarketing studies and spontaneous reports from a clinical practice setting.

Further, analysis of adverse event rates within a study is informative because the placebo group serves as a control, correcting for the increased intensity of event seeking and allowing the analyst to identify those events that are more common in the treated group. If, however, all such events are submitted to a spontaneous reporting system, they distort that system by giving the impression that the drug under investigation is associated with a higher frequency of common events than would be reported spontaneously, thus generating a spurious signal.

Similarly, intensive postmarketing surveillance, such as that accompanying monitored release programs, produce frequencies of reported events far higher than would be reported spontaneously. Again, such surveillance, analyzed separately, can provide useful information, but the high numbers of events, if added to the spontaneous reports, can distort the spontaneous system. This distortion results in an implication that the drug under study has a higher event rate than drugs not subject to surveillance. In fact, it may be only the likelihood that events will be reported, not the actual incidence of drug reactions, that is different. It is critical to the signal-generating function of spontaneous reporting systems that such distortions be avoided where possible.

One comment contended that the proposal would make reporting from postmarketing studies totally discretionary, that important reactions will, therefore, not be reported, and that, as a result, important information



allowing for development of rates of adverse reactions will be unavailable.

The revision does not make a manufacturer's reporting discretionary. If there is a reasonable possibility that the observed event was caused by the drug, it must be reported.

One comment urged that IND and NDA reporting criteria remain separate and that the NDA reporting criteria for study reports not be modified because the implications of reporting under the NDA and IND reporting regulations are different. That is, currently under § 314.80 reporting decisions are made without an assessment of causation and that consideration of labeling revisions are made as separate and distinct decisions depending on medical evaluation and possible epidemiologic evaluation by the sponsor and FDA. The comment continued that if a serious adverse drug event report for a marketed product also meets the proposed possible causality criterion, the sponsor would be under extreme pressure to consider making a labeling change. The comment analogized to the changes made in investigators' brochures after a "prompt report" is submitted under the IND regulations.

With respect to the concern expressed about a potential increase in pressure for labeling revisions in response to safety information submitted to the agency under the revised criteria for submission of 15-day Alert reports from postmarketing studies, the agency intends that requests for labeling revisions will continue to be made only after the same careful evaluation that is described by the comment.

One comment objected to FDA's proposal to eliminate the periodic reporting requirements for adverse drug experience information obtained from postmarketing epidemiological/surveillance studies. The comment stated that FDA must receive all adverse drug reaction reports, including those from postmarketing epidemiological/surveillance studies, so that the agency can evaluate the incidence of adverse reactions and respond appropriately to protect the American consumer.

Important information will not be lost by eliminating the requirement for periodic reporting from postmarketing epidemiological, surveillance studies. If such studies are conducted under an IND, the data will be submitted and analyzed under the IND requirements. Further, if an increased frequency of a serious, labeled reaction, or if a serious, unlabeled reaction occurs and has a reasonable possibility of being caused by the drug, it must still be reported under 21 CFR 314.80. Moreover, under

§ 314.81(b)(2)(vi), reports of postmarketing studies pertinent to safety, including epidemiological studies, are required to be submitted to the NDA file in the annual report.

One comment stated that a disclaimer of "admitted" causation included on a Form FDA-1639 submitted under the revised regulation would by definition be inaccurate.

The agency disagrees with this comment. The standard for submission of a 15-day Alert report of an adverse drug experience from a postmarketing study that satisfies the other criteria for 15-day submission, is that there is a reasonable possibility that the adverse event is causally related to drug exposure and not that the drug actually caused the adverse event. Further, identical disclaimer language is present in the IND reporting regulations at § 312.32(e) which also use the reasonable possibility standard. (See § 312.32(a) (21 CFR 312.32(a)) (defining "associated with the use of drug" to mean a reasonable possibility that the experience may have been caused by the drug.)

One comment stated that it was not clear whether the proposed revision applies to the determination whether there has been an increased frequency of adverse experiences.

However, the proposed and final regulation is clear that reports from postmarketing studies are to be submitted under § 314.80(c) only if, in addition to meeting the other criteria for submission as a 15-day Alert report, there is a reasonable possibility that the adverse event was causally related to the drug exposure. Therefore, with respect to 15-day Alert reports of increased frequency, adverse experiences from postmarketing studies should be included in the calculation of increased frequency if, in addition to meeting the criteria for submission as a 15-day Alert report under § 314.80(c)(1)(ii) (e.g., serious, labeled) there is a reasonable possibility that the adverse event is causally related to the drug exposure. To facilitate the agency's evaluation of such reports, § 314.80(e)(2) also requires reports derived from postmarketing studies to be clearly marked and distinguished from spontaneous reports.

#### 4. Other Comments

Two comments objected to the use of the title "adverse reaction report" instead of "drug experience report" for Form FDA-1639. The major concern expressed in the comments is that this title change will expose manufacturers to allegations of prior knowledge about reactions and will create inappropriate

pressure for labeling changes. FDA has emphasized that reports are preliminary and do not necessarily constitute an assertion or acceptance of causality. Further, the agency believes that the terminology "adverse reaction report" is more meaningful to medical practitioners than is the term "drug experience report." However, under the provisions of § 314.80(f)(3) that allow alternate report formats, FDA permits manufacturers to substitute the title "drug experience report" on the report form.

Several comments proposed that deaths which are coincidental to drug exposure not be reportable. FDA believes that, for spontaneous reports of deaths, it can be presumed that the reporting physician had some basis for suspicion of a drug relationship and such reports must be submitted. However, reports of death occurring in clinical studies are required to be submitted to FDA only when the deaths are possibly causally related to the drug exposure. This revision will eliminate most of the reporting of coincidental or noncausal events. It should be noted that FDA urges manufacturers to determine the exact circumstances and cause of death.

One comment requested clarification of the reporting requirements for a lack of a therapeutic effect. If the result of the lack of therapeutic effect is an event that is both serious and unlabeled, then a 15-day Alert report must be submitted.

#### IV. Economic Impact

In accordance with Executive Order 12291, FDA has previously considered the potential economic effects of this final rule. As announced in the proposal, the agency has determined that the rule is not a major rule as determined by the Order. Similarly, under the Regulatory Flexibility Act, the agency previously considered the potential effects that this rule would have on small entities, including small businesses. In accordance with section 605(b) of the Regulatory Flexibility Act, the agency has determined that no significant impact on a substantial number of small entities would derive from this action. FDA has not received any new information or comments that would alter its previous determinations.

#### V. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment



nor an environmental impact statement is required.

#### List of Subjects

##### 21 CFR Part 310

Administrative practice and procedure, Drugs, Reporting and recordkeeping requirements.

##### 21 CFR Part 314

Administrative practice and procedure, Drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Parts 310 and 314 are amended as follows:

#### PART 310—NEW DRUGS

1. The authority citation for 21 CFR Part 310 is revised to read as follows:

Authority: Secs. 501, 502, 503, 505, 701, 704, 705, 52 Stat. 1049–1053 as amended, 52 Stat. 1055–1056 as amended, 67 Stat. 477 as amended, 52 Stat. 1057–1058 (21 U.S.C. 351, 352, 353, 355, 371, 374, 375); 5 U.S.C. 553; 21 CFR 5.10 and 5.11.

2. Section 310.305 is amended by revising paragraph (b)(4) and redesignating existing paragraph (c)(1) as paragraph (c)(1)(i) and adding new paragraph (c)(1)(ii) to read as follows:

§ 310.305 Records and reports concerning adverse drug experiences on marketed prescription drugs for human use without approved new drug applications.

(b) \* \* \*

(4) "Serious" means an adverse drug experience that is fatal or life-threatening, is permanently disabling, requires inpatient hospitalization, or is a congenital anomaly, cancer, or overdose.

(c) Reporting requirements—15-day "Alert reports."

(1) \* \* \*

(ii) A person identified in paragraph (c)(1)(i) of this section is not required to submit a 15-day "Alert report" for an adverse drug experience obtained from a postmarketing study (whether or not conducted under an investigational new drug application) unless the applicant concludes that there is a reasonable possibility that the drug caused the adverse experience.

#### PART 314—APPLICATIONS FOR FDA APPROVAL TO MARKET A NEW DRUG OR AN ANTIBIOTIC DRUG

3. The authority citation for 21 CFR Part 314 continues to read as follows:

Authority: Secs. 501, 502, 503, 505, 506, 507, 701, 52 Stat. 1049–1053 as amended, 1055–1056 as amended, 55 Stat. 851, 59 Stat. 463 as amended (21 U.S.C. 351, 352, 353, 355, 356, 357, 371); 21 CFR 5.10, 5.11.

4. Section 314.80 is amended in paragraph (a) by revising the definition of "Serious," in the introductory text of paragraph (c) by revising the address to which reports are submitted to read "Central Document Room, Park Bldg., Rm. 214, 12420 Parklawn Dr., Rockville, MD 20852," in paragraphs (c)(1), (c)(2)(ii)(b), and (f)(1) by revising "(Drug Experience Report)" to read "(Adverse Reaction Report)," in paragraphs (d)(2), (f) (3) and (4) by revising "Drug and Biological Product Experience" to read "Epidemiology and Surveillance," and by revising paragraphs (c)(2)(iii) and (e) to read as follows:

§ 314.80 Postmarketing reporting of adverse drug experiences.

(a) \* \* \*

"Serious" means an adverse drug experience that is fatal or life-threatening, is permanently disabling, requires inpatient hospitalization, or is a congenital anomaly, cancer, or overdose.

(c) \* \* \*

(2) \* \* \*

(iii) Periodic reporting, except for information regarding 15-day Alert reports, does not apply to adverse drug experience information obtained from postmarketing studies (whether or not conducted under an investigational new drug application), from reports in the scientific literature, and from foreign marketing experience.

(e) Postmarketing studies. (1) An applicant is not required to submit a 15-day Alert report under paragraph (c) of this section for an adverse drug experience obtained from a postmarketing study (whether or not conducted under an investigational new drug application) unless the applicant concludes that there is a reasonable possibility that the drug caused the adverse experience.

(2) The applicant shall separate and clearly mark reports of adverse drug experiences that occur during a postmarketing study as being distinct from those experiences that are being reported spontaneously to the applicant.

Dated: September 12, 1987.

Frank E. Young,

Commissioner of Food and Drugs.

[FR Doc. 87-23542 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-01-M

#### 21 CFR Part 520

#### Oral Dosage Form New Animal Drugs Not Subject to Certification; Pyrantel Pamoate Chewable Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Purina Mills, Inc., providing for the use of pyrantel pamoate chewable tablets as an anthelmintic in dogs.

EFFECTIVE DATE: October 13, 1987.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Purina Mills, Inc., 835 South Eighth St., St. Louis, MO 63102, is sponsor of NADA 139-191 providing for use of pyrantel pamoate chewable tablets as an anthelmintic in dogs. The NADA provides for use of the product for removal of ascarids (*Toxocara canis*; *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*; *Uncinaria stenocephala*) in dogs and puppies; and to prevent reinfection of *Toxocara canis* in puppies, adult dogs, and in lactating bitches after whelping. The NADA is approved and new 21 CFR 520.2041 is added to reflect the approval.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(iii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

#### List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to



the Center for Veterinary Medicine, Part 520 is amended as follows:

**PART 520—ORAL DOSAGE FORM  
NEW ANIMAL DRUGS NOT SUBJECT  
TO CERTIFICATION**

1. The authority citation for 21 CFR Part 520 continues to read as follows:

**Authority:** Sec. 512(i), 62 Stat. 347 (21 U.S.C. 360b(i)); 21 CFR 5.10 and 5.83.

2. By adding new § 520.2041 to read as follows:

**§ 520.2041 Pyrantel pamoate chewable tablets.**

(a) *Specifications.* Each tablet contains pyrantel pamoate equivalent to 22.7 or 113.5 milligrams pyrantel base.

(b) *Sponsor.* See No. 017800 in § 510.600(c) of this chapter.

(c) *Conditions of use—(1) Amount.* Provides at least 2.27 milligrams pyrantel base per pound body weight for dogs weighing more than 5 pounds, and at least 4.54 milligrams of pyrantel base per pound body weight for dogs weighing 5 pounds or less.

(2) *Indications for use.* (i) In dogs and puppies. For removal of ascarids (*Toxocara canis*; *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*; *Uncinaria stenocephala*).

(ii) In puppies and adult dogs and in lactating bitches after whelping. To prevent reinfection of *Toxocara canis*.

(3) *Limitations.* Administer to puppies at 2, 3, 4, 6, 8, and 10 weeks of age. Administer to lactating bitches 2 to 3 weeks after whelping. Retreatment of adult dogs may be necessary at monthly intervals as determined by laboratory fecal examinations. Consult your veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Dated: September 29, 1987.

Gerald B. Guest,

Director, Center for Veterinary Medicine.  
[FR Doc. 87-23539 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-01-M

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

Office of the Assistant Secretary for  
Housing-Federal Housing  
Commissioner

24 CFR Parts 203 and 204

[Docket No. R-87-965; FR-2147]

**Temporary Mortgage Assistance  
Payments and Assignment of  
Mortgages to HUD**

**AGENCY:** Office of the Assistant

Secretary for Housing-Federal Housing  
Commissioner, HUD.

**ACTION:** Technical amendment.

**SUMMARY:** A final rule was published on March 5, 1987 (52 FR 6908), to establish a new program of foreclosure avoidance for FHA-insured homebuyers. It stated that various administrative tasks would have to be completed before it could be made effective. This document is being published before an effective date for that rule is announced, to correct erroneous cross-references and to delete material that would have made mortgagors with mortgages coinsured by the lender ineligible for both the Temporary Mortgage Assistance Payments program and the program of assignment with forbearance.

**EFFECTIVE DATE:** The Department must complete revisions to HUD Handbook 4330.2 and must finish the process of selecting a contractor to administer the nationwide processing of payments under the Temporary Mortgage Assistance Payments program before the rule published on March 5, 1987, as amended by this rule can be made effective. The effective date will be announced by publication in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Curtis Myron, Single Family Servicing Division, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 755-6664. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The changes to §§ 203.641 and 203.643 are needed to correct references to the provision (paragraph (b) of § 203.641) that limits the required payment, during the period of reduced or suspended payments, to a maximum of 35 percent of the mortgagor's income. The amendment to § 204.400 (the coinsurance provision that cross-references applicable provisions of Part 203) is necessary in order properly to reflect the Department's obligation under the National Housing Act to consider coinsured mortgagors for mortgage foreclosure relief. Section 230(b) of the National Housing Act (12 U.S.C. 1715u), provides that upon notice of a default "of any mortgage covering a one-, two-, three or four-family residence insured under [the National Housing] Act," HUD is to consider the mortgagor for foreclosure relief (whether or not the mortgage is coinsured).

Under the rule now in effect, § 204.400 provides that the servicing responsibilities of mortgagees stated in

Subpart C of Part 203 apply to mortgagees with respect to coinsured mortgages except for certain sections requiring a mortgagee to consider a defaulted mortgagor for eligibility for the assignment program. Therefore, the rule now in effect provides that mortgages insured by HUD under section 203(b) of the National Housing Act, 12 U.S.C. 1709, pursuant to section 244 of the Act, 12 U.S.C. 1715z-9, are ineligible during the coinsurance period (the first five years of the mortgage) for the only HUD program of foreclosure avoidance now available—the assignment program. (HUD Handbook 4330.2 also states this conclusion.) The final rule published on March 5, 1987, but not yet made effective, would have changed § 204.400 to make the new program of foreclosure relief, the Temporary Mortgage Assistance Payments (TMAP) program, also inapplicable to coinsured mortgages during the period of coinsurance.

We have determined that this automatic disqualification of coinsured mortgagors for any form of HUD foreclosure avoidance assistance is not authorized under section 230 of the National Housing Act. Under that Act, assistance in the form of the assignment program, at least, must be made available to all eligible mortgagors of insured one- to four-family residences insured under the Act. Therefore, the language of § 204.400 now precluding coinsured mortgagors from consideration for the assignment program is ineffective and in conflict with the statute.

The Department also has determined to make TMAP available to eligible coinsured mortgagors. To assure that eligible coinsured mortgagors will be considered for both programs when the rule creating TMAP becomes effective, this technical amendment is being made to eliminate the exclusion in advance of the announcement of an effective date for the rule published on March 5, 1987.

Additional changes to Part 204 may be necessary (§§ 204.280 through 204.381) to clarify how the process for considering a mortgagor for TMAP and assignment applies in the case of a coinsured mortgage—where the coinsuring mortgagee is responsible for absorbing a percentage of the loss in event of payment of an insurance claim. In the meantime, HUD Field Offices and FHA-approved mortgagees are being instructed to follow the procedures found in Subpart C of Part 203 (§ 203.606 and §§ 203.640 through 203.665) for handling defaulted coinsured mortgages, and to consult HUD Headquarters if a question should arise.



## Findings and Certifications

## Final Rule

It is the policy of this Department to publish for comment, rules relating to public property, loans, grants benefits, or contracts, despite the exemption for these rules contained in 5 U.S.C. 553 from the requirement to solicit public comment. However under 24 CFR Part 10, in a particular case, the Department may omit solicitation of public comment before publishing a final rule if such comment is not required by statute and solicitation and consideration of public comment are "impracticable, unnecessary or contrary to the public interest."

In this case, one of the amendments is in the nature of correction of a typographical error, on which public comment is clearly unnecessary. The other amendment is needed in order to conform the regulation to the requirements of section 230 of the National Housing Act, 12 U.S.C. 1715u. Without the amendment, the rule would be inconsistent with the statute. Since the issue of whether or not foreclosure relief should apply to coinsured mortgages (the subject of this amendment) is not legally open to question, solicitation and consideration of public comment on that change is unnecessary. The type of comments likely to be submitted on this amendment would be suggestions on the details of processing mortgage insurance claims in the case of defaulted coinsured mortgages. The Department plans to handle the details of claims processing in a subsequent rulemaking, in which public comment will be solicited.

## Environmental Review

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection and copying during regular business hours in the Office of the Rules Docket Clerk, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

## Regulatory Impact

This rule does not constitute a "major rule" as that term is defined in section 1(b) of the Executive Order on Federal Regulation issued by the President on February 17, 1981. Analysis of the rule

indicates that it does not: (1) Have an annual effect on the economy of \$100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

## Impact on Small Entities

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities, because it consists of technical refinements to an already published rule and merely requires mortgagees of coinsured mortgages to consider them for mortgage foreclosure relief as they would consider fully insured mortgages.

## Regulatory Agenda

The rule that this serves as a correction for was listed as sequence number 958 under the Office of Housing in the Department's Seminannual Regulatory Agenda published on April 27, 1987 (52 FR 14362, 14387), under Executive Order 12291 and the Regulatory Flexibility Act.

## Paperwork Reduction Act

This rule contains no information collection requirements subject to approval by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (42 U.S.C. 3501 through 3520).

## List of Subjects

## 24 CFR Part 203

Home improvement, Loan programs; Housing and community development, Mortgage insurance.

## 24 CFR Part 204

Mortgage insurance.

Accordingly, 24 CFR Parts 203 and 204, as amended in the final rule on Temporary Mortgage Assistance Payments published in the *Federal Register* on March 5, 1987, (52 FR 6908), is amended as follows:

## PART 203—MUTUAL MORTGAGE INSURANCE AND REHABILITATION LOANS

1. The authority citation for Part 203 continues to read as follows:

Authority: Secs. 203 and 211, National Housing Act (12 U.S.C. 1709, 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)). In addition, subpart C also issued under sec. 230, National Housing Act (12 U.S.C. 1715u).

## § 203.641 [Amended]

2. Section 203.641(c) is amended by removing the words "paragraph (a) of this section" and substituting in their place the words "paragraph (b) of this section".

## § 203.643 [Amended]

3. Section 203.643(c)(3) is amended by removing the reference to "§ 203.641(a)" and substituting in its place the reference "§ 203.641(b)".

## PART 204—COINSURANCE

4. The authority citation for Part 204 continues to read as follows:

Authority: Secs. 244 and 211, National Housing Act (12 U.S.C. 1715z-9 and 1715b); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

## § 204.400 [Amended]

5. Section 204.400 is amended by removing the words "and §§ 203.640 through 203.665" and revising the words "do not apply" to read "does not apply".

Dated: October 5, 1987.

Thomas T. Demery,  
Assistant Secretary for Housing—Federal  
Housing Commissioner.

[FR Doc. 87-23670 Filed 10-9-87; 8:45 am]

BILLING CODE 4210-27-M

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 601

## Internal Revenue Practice; Statement of Procedural Rules

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final rule.

SUMMARY: This document contains final regulations, amending the Statement of Procedural Rules (SPR). The SPR sets forth the procedural rules of the Internal Revenue Service for all taxes administered by the Service as well as certain rules that apply to the Bureau of Alcohol, Tobacco and Firearms. These amendments update the SPR and make



certain changes in the Service's procedure, including changes necessitated by recent legislation, to conform to changes in corresponding Department of the Treasury regulations, and to update organizational titles and addresses.

**DATES:** Effective: November 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Margo Stevens of the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, Attn: CC:D. Telephone 202-566-3074 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

This document contains final regulations to amend the SPR (26 CFR 601.702), issued under the authority contained in 5 U.S.C. 301 and 552. The principal amendments update the SPR to reflect changes in the fee and fee waiver provisions of the Freedom of Information Act, as enacted by the Freedom of Information Reform Act of 1986 (Pub. L. 99-570). Some amendments update the SPR to reflect changes in nomenclature and to eliminate references to a particular gender. The Disclosure Operations Division is now the Office of Disclosure. The Civil Service Commission is now the Special Counsel. The Director, Foreign Operations District, is now the Assistant Commissioner (International). The SPR is also updated to reflect changes of addresses to be contacted for Freedom of Information requests. The SPR also incorporates provisions for processing requests involving records of submitters of business information, in conformance with corresponding Department of the Treasury regulations, 31 CFR 1.6, and to satisfy Executive Order 12600, 52 FR 23781 (June 25, 1987). The other amendments are described in the order of the sections of the SPR being amended.

The Internal Revenue Service published proposed amendments to the Freedom of Information Act subpart of its Statement of Procedural Rules on July 27, 1987, 52 FR 28000. The Internal Revenue Service received comments from only one organization. Because the proposed amendments were drafted to conform to Treasury's Departmental final regulations, published on July 14, 1987 (52 FR 26302), the Internal Revenue Service is constrained from making any changes in two of the areas addressed by the commentator: The definition of "representative of the news media" and the referral policy for documents created by other agencies located in Internal Revenue Service files. The revisions proposed by the commentator would be

inconsistent with, and therefore superseded by, Treasury Departmental regulations. With respect to the final area, fee waivers, the commentator recommends that the Internal Revenue Service simply reiterate the language of the statute regarding waiver of fees, rather than incorporate any of the Justice Department's guidance. Although the commentator stated that the inclusion of Justice's guidance makes it more difficult for requesters to qualify for fee waivers, we do not agree and such is not our intent. Particularly because the Freedom of Information Act holds individual officials responsible for "arbitrary and capricious" actions, it becomes incumbent upon the agency to establish measurable criteria for its officials to consider in the exercise of their discretion under the statute. The Internal Revenue Service believes that the criteria included in these regulations reaches a reasonable balance between the agency's interest in a "self-sustaining" Freedom of Information Act program (as intended by Congress) and the public's interest in optimal access to government records. Accordingly, no changes have been made to these sections.

An editorial amendment is made to paragraphs (a)(1), (b)(1), and (c)(1) to change "paragraph (b) of § 601.701" to "paragraph (b)(1) of § 601.701."

An amendment is made to paragraphs (a)(1) and (c)(3)(v) to change "Internal Revenue Code of 1954" to "Internal Revenue Code of 1986."

Paragraph (b)(2), relating to deletion of identifying details, is amended to substitute section 6103 of the Internal Revenue Code as a statutory provision for disclosure in lieu of section 7213.

Paragraph (c)(2), relating to requests for records not in control of the Internal Revenue Service, is amended to conform to corresponding Department of the Treasury regulations.

Paragraph (c)(4) is amended to conform to IRC 6103(e)(1)(D) of the Internal Revenue Code; to enable the president or chief executive officer of a corporation to gain access to records without supplying additional proof of authority; to enable other officers or employees of a corporation to gain access to records with an appropriate certification of authority; to enable other persons to gain access to records with a board of directors' resolution of authority.

Paragraph (c)(11) is amended to eliminate the reference to 5 U.S.C. 552(a)(4)(D), relating to expedited judicial proceedings under the Freedom of Information Act, which was eliminated by the Federal Courts Civil Priorities Act (Pub. L. 98-620) in 1984.

Paragraph (c)(12) is redesignated (c)(13); and new paragraph (c)(12) is inserted to conform to corresponding Department of the Treasury regulations.

Paragraphs (d) (1), (3), and (4) are amended to reflect the requirement for a written request prior to public inspection of tax returns, return information and applications for tax exempt status, and to update certain cross references.

Paragraph (d)(2) is amended to clarify the records relating to seizure and sale of real estate that are open to public inspection.

Paragraph (d)(5) is redesignated (d)(8) and is amended to conform to IRC 6103(k)(1), which authorizes full disclosure of accepted offers in compromise, notwithstanding the confidentiality requirements of 18 U.S.C. 1905, relating to trade secrets, processes, operations, style of work, etc.

Paragraph (d)(8) is redesignated (d)(5) and to update certain cross references.

Paragraph (f) is amended to reflect changes necessitated by the Freedom of Information Reform Act (Pub. L. 99-570). Other changes and additions necessitated by the Freedom of Information Reform Act may be found in paragraphs (c)(3) (viii) and (ix); (c)(5)(i), (c)(6), and (c)(7)(ii).

Paragraph (g) is amended to reflect changes in nomenclature and addresses and to clarify that Regional and District Counsel records are under the jurisdiction of the Regional Commissioner and District Director, respectively.

New paragraph (h) is added to conform to corresponding Department of the Treasury regulations concerning the processing of requests of submitters of business information, 31 CFR 1.6, and to satisfy Executive Order 12600.

**Special Analyses**

The Commissioner of Internal Revenue has determined that this rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis is therefore not required. Although procedural rules do not normally require notices of proposed rulemaking pursuant to 5 U.S.C. 553, the Freedom of Information Reform Act required agencies to promulgate final regulations after publication of proposed regulations pursuant to notice and public comment. Proposed regulations were published on July 27, 1987, at 52 FR 28000, for any comments received on or before August 7, 1987.

**Drafting Information**

The principal author of these final amendments to the Statement of



Procedural Rules is Margo Stevens of the Disclosure Litigation Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service participated in developing these amendments, both on matters of substance and style.

#### List of Subjects in 26 CFR Part 601

Administrative practice and procedure, Aged, Alcohol and alcoholic beverages, Arms and munitions, Cigars and cigarettes, Claims, Freedom of Information, Taxes.

#### Adoption of Amendments to Statement of Procedural Rules

Accordingly, 26 CFR Part 601 is amended as follows:

#### PART 601—[AMENDED]

**Paragraph 1.** The authority for Part 601 continues to read as follows:

Authority: 5 U.S.C. 301 and 552.

#### § 601.702 [Amended]

**Par. 2.** Section 601.702 (a)(1) is amended as follows:

1. In the first sentence, the language "paragraph (b) of § 601.701" is removed and the language "paragraph (b)(1) of § 601.701" is added in its place.

2. In the flush material immediately following (v), the language "Internal Revenue Code of 1954" is removed and the language "Internal Revenue Code of 1986" is added in its place.

**Par. 3.** Section 601.702(b)(1) is amended by removing from the first sentence the language "paragraph (b) of § 601.701" and adding the language "paragraph (b)(1) of § 601.701" in its place.

**Par. 4.** Section 601.702(b)(2) is amended by removing from the last sentence the language "7213, dealing with disclosure of information obtained from members of the public." and adding the language "6103 of the Internal Revenue Code." in its place.

**Par. 5.** Section 601.702(b)(3) is amended as follows:

1. Paragraph (ii) is revised to read as set forth below.

2. In paragraph (iii), the language "paragraph (f)(4)" is removed and the language "paragraph (f)(5)(iii)" is added in its place.

3. The first sentence of paragraph (iv) is revised to read as set forth below.

(3) *Public reading rooms*—(i) *In general.* \* \* \*

(ii) *Addresses of public reading rooms.* The addresses of the reading rooms are as follows:

#### National Office

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

Location: Same as mailing address.

#### North Atlantic Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 120 Church Street, 11th Floor, New York, NY 10007.

Location: Same as mailing address.

#### Mid-Atlantic Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 600 Arch Street, Philadelphia, PA 19105.

Location: Same as mailing address.

#### Southeast Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 275 Peachtree Street, NE., Room 342, Atlanta, GA 30043.

Location: Same as mailing address.

#### Midwest Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 230 Dearborn Street, Room 1980, Chicago, IL 60604.

Location: Same as mailing address.

#### Central Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 201 W. Fourth Street, Covington, KY 41019.

Location: Same as mailing address.

#### Southwest Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 1100 Commerce Street, Room 11B15, Dallas, TX 75242.

Location: Same as mailing address.

#### Western Region

Mailing address: Freedom of Information Reading Room, Internal Revenue Service, 450 Golden Gate Avenue, Room 2307, San Francisco, CA 94102.

Location: Same as mailing address.

(iv) *Inability to use public reading rooms.* If persons are unable or unwilling to visit a reading room in person but wish to inspect identifiable reading room material, they may request permission to inspect such material at any office of the Internal Revenue Service. \* \* \*

**Par. 6.** Section 601.702(c)(1) is amended by removing from the first sentence the language "paragraph (b) of § 601.701" and adding the language

"paragraph (b)(1) of § 601.701" in its place.

**Par. 7.** Section 601.702 (c) (2) is amended as follows:

1. In paragraph (i), the third sentence, the language "31 CFR Part 1.5 (g) and (h)" is removed and the language "31 CFR Part 1.5 (g), (h), and (i)" is added in its place.

2. Paragraph (ii) is revised to read as set forth below.

3. A new paragraph (iii) is added immediately following paragraph (ii) to read as set forth below.

(2) *Requests for records not in control of the Internal Revenue Service.* (i)

\* \* \*

(ii) Where the record requested was created by another agency or Department of the Treasury constituent unit (*i.e.*, in its control) and a copy thereof is in the possession of the Internal Revenue Service, the Internal Revenue Service official to whom the request is delivered shall refer the request to the agency or constituent unit which originated the record for direct reply to the requester. The requester shall be informed of such referral. This referral shall not be considered a denial of access within the meaning of these regulations. However, where the record is determined to be exempt from disclosure under 5 U.S.C. 552, the referral need not be made, but the Internal Revenue Service shall inform the originating agency or constituent unit of its determination. Where notifying the requester of its referral may cause a harm to the originating agency or constituent unit which would enable the originating agency or constituent unit to withhold the record under 5 U.S.C. 552, then such referral need not be made. In both of these circumstances, the Internal Revenue Service official to whom the request is delivered shall process the request in accordance with the procedures set forth in this subpart.

(iii) When a request is received for a record created by the Internal Revenue Service (*i.e.*, in its possession and control) that includes information originated by another agency or Department of the Treasury constituent unit, the record shall be referred to the originating agency or constituent unit for review, coordination, and concurrence. The Internal Revenue Service official to whom the request is delivered shall not issue its determination with respect to that record without prior consultation with the originating agency or constituent unit.

**Par. 8.** Section 601.702(c)(3) is amended as follows:



1. In paragraph (v), the language "sections 6103 and 7213 of the Internal Revenue Code of 1954" is removed and the language "section 6103 of the Internal Revenue Code of 1986" is added in its place.

2. In paragraph (vii), the final "and" is removed.

3. In paragraph (viii), "." is removed at the end and ", and" is added in its place.

4. A new paragraph (ix) is added to read as set forth below.

5. The flush language is revised to read as set forth below.

(3) *Form of request.* The initial request for records must—

(i) \* \* \*

(ix) Identify the category of the requester and state how the records will be used, as required by paragraph (f)(3) of this section.

Where the initial requests, rather than stating a firm agreement to pay the fees ultimately determined in accordance with paragraph (f) of this section, place an upper limit on the amount the requesters agree to pay, which upper limit is deemed likely to be lower than the fees estimated to ultimately be due, or where the requesters ask for an estimate of the fees to be charged, the requesters shall be promptly advised of the estimate of fees and asked to agree to pay such amount. Where the initial requests include a request for reduction or waiver of fees, the Internal Revenue Service officials responsible for the control of the requested records (or their delegates) will determine whether to grant the requests for reduction or waiver in accordance with paragraph (f) of this section and notify the requesters of their decisions and, if their decisions result in the requesters being liable for all or part of the fees normally due, ask the requesters to agree to pay the amounts so determined. The requirements of this subparagraph will not be deemed met until the requesters have explicitly agreed to pay the fees applicable to their requests for records, if any, or have made payment in advance of the fees estimated to be due. In addition, requesters are advised that only requests for records which fully comply with the requirements of this subparagraph can be processed in accordance with this section. Requesters will be promptly notified in writing of any requirements which have not been met or any additional requirements to be met. However, every effort will be made to comply with the requests as written.

Par. 9. Section 601.702(c)(4) is amended as follows:

1. In paragraph (i)(A), the second and fourth sentences are revised to read as set forth below.

2. In paragraph (i)(B), first sentence, the language "601.701(b)" is removed and the language "601.701(b)(1)" is added in its place.

3. Paragraph (ii) is revised to read as set forth below.

(4) *Reasonable description of records; identity and right of the requester.* (i)(A)

\* \* \* While no specific formula for a reasonable description of a record can be established, the requirement will generally be satisfied if the requester gives the name, subject matter, location, and years at issue, of the requested records. If the request seeks records pertaining to pending litigation, the request should indicate the title of the case, the court in which the case was filed, and the nature of the case. \* \* \* Where the requester does not reasonably describe the records being sought, the requester shall be afforded an opportunity to refine the request. \* \* \*

(ii) In the case of records containing information with respect to particular persons the disclosure of which is limited by statute or regulations, persons making requests shall establish their identity and right to access to such records. Persons requesting access to such records which pertain to themselves may establish their identity by—

(A) The presentation of a single document bearing a photograph (such as a passport or identification badge), or the presentation of two items of identification which do not bear a photograph but do bear both a name and signature (such as a driver's license or credit card), in the case of a request made in person,

(B) The submission of the requester's signature, address, and one other identifier (such as a photocopy of a driver's license) bearing the requester's signature, in the case of a request by mail, or

(C) The presentation in person or the submission by mail of a notarized statement swearing to or affirming such person's identity.

Additional proof of persons' identity shall be required before the requests will be deemed to have met the requirement of paragraph (c)(3)(v) of this section if it is determined that additional proof is necessary to protect against unauthorized disclosure of information in a particular case. Persons who have identified themselves to the satisfaction of Internal Revenue Service officials pursuant to this subdivision shall be deemed to have established their right to access records pertaining to

themselves. Persons requesting records on behalf of or pertaining to another person must provide adequate proof of the legal relationship under which they assert the right to access the requested records before the requirement of paragraph (c)(3)(v) of this section will be deemed met. In the case of an attorney-in-fact, the requester shall furnish an original of a properly executed power of attorney together with one other identifier bearing the signature of the person executing such power of attorney. In the case of a corporation, if the requester has the authority to legally bind the corporation under applicable state law, such as its president or chief executive officer, then a written statement that the person making the request on behalf of the corporation, on corporate letterhead, shall be sufficient. If the requester is an officer or an employee of a corporation, then such person shall furnish a certification by one of the corporation's officers (other than the requester) that the person making the request on behalf of the corporation is properly authorized to make such request. If the requester is other than one of the above, then such person shall furnish a resolution by the corporation's board of directors providing that the person making the request on behalf of the corporation is properly authorized to make such a request. A person requesting access to records of a one-man corporation or a partnership shall provide a notarized statement that the requester is in fact an officer or official of the corporation or a member of the partnership.

Par. 10. Section 601.702(c)(5) is amended as follows:

1. In the first sentence, the language "official responsible for the control of the records requested (or his delegate)" is removed and the language "officials responsible for the control of the records requested (or their delegates)" is added in its place.

2. In the flush material following paragraph (iii), the language "he may expect a response" is removed and the language "a response may be expected" is added in its place.

3. In paragraph (i), the language "search and duplication" is removed and the language "search, duplication, and review" is added in its place.

Par. 11. Section 601.702(c)(6) is amended by adding the following two, new sentences between the first and second sentences:

(6) *Search for records requested.*  
\* \* \* Search time includes any and all time spent looking for material responsive to the request, including



page-by-page or line-by-line identification of material within records. However, where duplication of an entire record would be less costly than a line-by-line identification, duplication should be substituted for this kind of search.

\* \* \*

**Par. 12.** Section 601.702(c)(7) is amended by revising (i), (ii), and (iv) to read as follows:

(7) *Initial determination*—(i) *In general.* The Director of the Office of Disclosure or his/her delegate shall have the authority to make initial determinations with respect to all requests for records of the Internal Revenue Service. With the exception of records which are controlled by the Assistant Commissioner (Inspection), the Director of the Internal Revenue Service Data Center, the Assistant Commissioner (International), or the Director of Practice, the Director of the Office of Disclosure or his/her delegate shall have the sole authority to make such determinations with respect to records controlled by the National Office. Except where the Director of the Office of Disclosure or his/her delegate has such sole authority, the initial determination as to whether to grant the request for records may be made either by the Director of the Office of Disclosure or by the Internal Revenue Service officials responsible for the control of the records requested or their delegates (see paragraph (g) of this section), including those officials mentioned in the preceding sentence. The initial determination will be made and notification thereof mailed within 10 days (excepting Saturdays, Sundays, and legal public holidays) after the date of receipt of the request, as determined in accordance with paragraph (c)(5) of this section or the requester otherwise agrees to an extension of the 10-day time limitation.

(ii) *Granting of request.* If it is determined that the request is to be granted, and if the person making the request desires a copy of the requested records, a statement of fees, if any, in accordance with paragraph (f) of this section, will be mailed to the requester, requesting such payment prior to release of the records determined to be available. Upon receipt of such fees, the Internal Revenue Service official responsible for the control of the records (or his/her delegate) will promptly mail such copies to the requester, with any explanation of the deletions or withholdings, as applicable. However, if no fees are due, then a copy of the available records will be promptly mailed to the requester. In the case of a request for inspection the requester will

be notified in writing of the determination, when and where the requested records may be inspected and of the fees involved in complying with the request. Any fees involved in complying with the request for inspection of records shall be submitted prior to making the records available for inspection.

The records will promptly be made available for inspection, at the time and place stated, normally at the appropriate office where the records requested are controlled. However, if the person making the request has expressed a desire to inspect the records at another office of the Internal Revenue Service, every reasonable effort will be made to comply with the request. Records will be made available for inspection at such reasonable and proper times as not to interfere with their use by the Internal Revenue Service or to exclude other persons from making inspections. In addition, reasonable limitations may be placed on the number of records which may be inspected by a person on any given date. The person making the request will not be allowed to remove the records from the office where inspection is made. If, after making inspection, the person making the request desires copies of all or a portion of the requested records, copies will be furnished upon payment of the established fees prescribed by paragraph (f) of this section.

(iv) *Inability to locate and evaluate within time limits.* Where the records requested cannot be located and evaluated within the initial 10-day period or any extension thereof in accordance with paragraph (c)(9) of this section, the search for the records or evaluation will continue, but the requesters will be so notified, advised that they may consider such notification a denial of their requests for records, and provided with the address to which an administrative appeal may be delivered. However, the requesters may also be invited, in the alternative, to agree to a voluntary extension of time in which to locate and evaluate the records. Such voluntary extension of time will not constitute a waiver of the requesters' right to appeal any denial of access ultimately made or their right to appeal in the event of failure to comply with the time extension granted.

**Par. 13.** Section 601.702(c)(8) is amended as follows:

1. The introductory text of paragraph (c)(8) is revised to read as set forth below.

2. Paragraph (v) is revised to read as set forth below.

3. In the flush material following paragraph (vi), the language "Commissioner or his delegate" is removed from the first sentence and the language "Commissioner or his/her delegate" is added in its place; and the word "appellant" is removed from the fifth sentence and the word "requester" is added in its place.

(8) *Administrative appeal.* The requester may submit an administrative appeal to the Commissioner at any time within 35 days after the date of any notification described in paragraph (c)(7) (iii) or (iv) of this section or after receipt of an adverse determination of the requester's category described in paragraph (f)(3) of this section, or the date of the letter transmitting the last records released, whichever is later. The letter of appeal shall— \* \* \*

(v) Specify the date of the request, and the office to which the request was submitted and, where possible, enclose a copy of the initial request and the initial determination being appealed, and

**Par. 14.** Section 601.702(c)(9) is amended as follows:

1. In paragraph (i)(B), the language "or related requests" is added following "single request," and before "or".

2. In paragraph (i)(C), the language "Disclosure Operations Division" is removed and the language "Office of Disclosure" is added in its place.

**Par. 15.** Section 601.702(c)(10) is revised to read as follows:

(10) *Failure to comply.* If the Internal Revenue Service fails to comply with the time limitations specified in paragraphs (c) (7), (8), or (9)(i) of this section, any persons making requests for records satisfying the requirements of subdivisions (i) through (ix) of paragraph (c)(3) of this section, shall be deemed to have exhausted their administrative remedies with respect to such requests. Accordingly, these persons may initiate suit in accordance with paragraph (c)(11) of this section.

**Par. 16.** Section 601.702(c)(11) is revised to read as follows:

(11) *Judicial review.* If a request for records is denied upon appeal pursuant to paragraph (c)(8) of this section, or if no determination is made within the 10-day or 20-day periods specified in paragraphs (c) (7) and (8) of this section, or the period of any extension pursuant to paragraph (c)(9)(i) of this section, or by grant of the requester, respectively, the person making the request may commence an action in a U.S. district court in the district in which the requester resides, in which the requester's principal place of business is



located, in which the records are situated, or in the District of Columbia, pursuant to 5 U.S.C. 552(a)(4)(B). The statute authorizes an action only against the agency. With respect to records of the Internal Revenue Service, the agency is the Internal Revenue Service, not an officer or an employee thereof. Service of process in such an action shall be in accordance with the Federal Rules of Civil Procedure (28 U.S.C. App.) applicable to actions against an agency of the United States. Delivery of process upon the Internal Revenue Service must be directed to the Commissioner of Internal Revenue, Attention: CC:GLS, 1111 Constitution Avenue, NW., Washington, DC 20224. The Internal Revenue Service will serve an answer or otherwise plead to any complaint made under this paragraph within 30 days after service upon it, unless the court otherwise directs for good cause shown. The district court will determine the matter *de novo*, and may examine the contents of the Internal Revenue Service records in question in camera to determine whether such records or any part thereof shall be withheld under any of the exemptions described in paragraph (b)(1) of § 601.701. The burden will be upon the Internal Revenue Service to sustain its action in not making the requested records available. The court may assess against the United States reasonable attorney fees and other litigation costs reasonably incurred by the person making the request in any case in which the complainant has substantially prevailed.

**Par. 17.** Section 601.702(c)(12) is amended as follows:

1. The language "Civil Service Commission" is removed from the first and third sentences and the word "Commission" is removed from the second sentence, and the language "Special Counsel" is added in each such place.

2. The language "his representative" is removed at the end of the second sentence and the language "his/her representative" is added in its place.

3. Paragraph (12) is redesignated paragraph (13).

4. A new paragraph (12) is added to read as follows:

(12) *Preservation of records.* All correspondence relating to the requests received by the Internal Revenue Service under this chapter, and all records processed pursuant to such requests, shall be preserved, until such time as the destruction of such correspondence and records is authorized pursuant to Title 44 of the United States Code. Under no

circumstances shall records be destroyed while they are the subject of a pending request, appeal, or lawsuit under 5 U.S.C. 552.

**Par. 18.** Section 601.702(d)(1) is amended by adding the following sentence at the end of the paragraph:

(d) *Rules for disclosure of certain specified matters—(1) Inspection of tax returns and return information.* \* \* \* Written requests for this information shall be made in accordance with Rev. Proc. 66-3, as modified by Rev. Proc. 84-71, 1984-2 C.B. 735 and Rev. Proc. 85-56, 1985-2 C.B. 739.

**Par. 19.** Section 601.702(d)(2) is amended as follows:

1. The language "Part 2," is added following "Record 21."

2. The following sentence is added at the end of the paragraph.

(2) *Record of seizure and sale of real estate.* \* \* \* However, Record 21 does not list real estate seized for forfeiture under the internal revenue laws (see IRC 7302).

**Par. 20.** Section 601.702(d)(3) is revised to read as follows:

(3) *Information returns of certain tax-exempt organizations and certain trusts.* Information furnished on Form 990, Form 1041-A, and on the annual report by private foundations pursuant to sections 6033, 6034, 6056 (as in effect before its repeal by Pub. L. 96-603), is open to public inspection. This information will be made available for public inspection in the Freedom of Information Reading Room, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224, as well as in the office of any district director. Copies of these records may, upon written request, be obtained from these offices or from the office of any service center director. The applicability of this subparagraph is subject to the rules on disclosure set forth in section 6104(b) and § 301.6104(b)-1.

**Par. 21.** Section 601.702(d)(4) is revised to read as follows:

(4) *Applications of certain organizations for tax exemption.* Subject to the rules on disclosure set forth in section 6104(a) and § 301.6104 (a)-1, (a)-5, and (a)-6, applications and certain papers submitted in support of such applications, filed by organizations described in section 501 (c) or (d) and determined to be exempt from taxation under section 501(a), and any letter or other document issued by the Internal Revenue Service with respect to such applications, will be made available for public inspection, upon written request, in the Freedom of Information Reading Room, Internal Revenue Service, 1111

Constitution Avenue, NW., Washington, DC 20224, or the office of any district director.

**Par. 22.** Section 601.702(d)(5) is removed.

**Par. 23.** Section 601.702(d)(7) is revised to read as follows:

(7) *Comments received in response to a notice of proposed rule making.*

Written comments received in response to a notice of proposed rule making may be inspected, upon written request, by any person upon compliance with the provisions of this paragraph. Comments which may be inspected are located in the Freedom of Information Reading Room, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. The request to inspect comments must be in writing and signed by the person making the request and should be addressed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, DC 20224. Upon delivery of such a written request to the place where the comments are located during the regular business hours of that office, the person making the request may inspect those comments that are the subject of the request. Copies of comments may be made in the Freedom of Information Reading Room by the person making the request or may be requested, in writing, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, DC 20224. The person making the request for copies should allow a reasonable time for processing the request. The provisions of paragraph (f)(5) of this section, relating to fees, shall apply with respect to requests made in accordance with this subparagraph.

**Par. 24.** Section 601.702(d)(8) is amended as follows:

1. In the last sentence, the language "§ 301.6104-1" is removed and the language "§ 301.6104 (a)-1 through (a)-6" is added in its place.

2. Section 601.702(d)(8) is redesignated § 601.702(d)(5).

**Par. 25.** A new § 601.702(d)(8) is added to read as follows:

(8) *Accepted offers in compromise.* A copy of the Abstract and Statement and the attached narrative report for each accepted offer in compromise with respect to any liability for a tax imposed by Title 26 will be made available for inspection and copying in the following locations:

(i) Except for Exempt Organizations, in the district office (or the Office of the Assistant Commissioner (International))



having jurisdiction over the place in which the taxpayer resides and

(ii) For Exempt Organizations, in the key district which has jurisdiction over the particular organization.

Par. 26. Section 601.702(f) is revised to read as follows:

(f) *Fees for services*—(1) *In general.* The fees to be charged for search, duplication, and review services performed by the Internal Revenue Service, whether or not such services are performed pursuant to the Freedom of Information Act or the regulations thereunder, shall be determined and collected in accordance with the provisions of this paragraph. A fee shall not be charged for monitoring a requester's inspection of records which contains exempt matter. The Internal Revenue Service may recover the applicable fees even if there is ultimately no disclosure of records. Should services other than the services described in this paragraph be requested and rendered, appropriate fees will be established by the Commissioner or his/her delegate, and imposed and collected pursuant to 31 U.S.C. 483(a), subject, however, to the constraint imposed by 5 U.S.C. 552(a)(4)(A).

(2) *Waiver or reduction of fees.* The fees authorized by this paragraph may be waived or reduced—

(i) At the discretion of any Internal Revenue Service official—

(A) Who is authorized to make the initial determination pursuant to paragraph (c)(7) of this section, in the case of a record which is not located for any reason, or

(B) Who determines any portion of the requested record to be exempt from disclosure; or

(ii) On a case-by-case basis in accordance with this subdivision by any Internal Revenue Service official who is authorized to make the initial determination pursuant to paragraph (c)(7) of this section, provided such waiver or reduction has been requested in writing. Fees will be waived or reduced by such official when it is determined that disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Internal Revenue Service and is not primarily in the commercial interest of the requester. Such officials shall consider several factors, including, but not limited to, those set forth below, in determining requests for waiver or reduction of fees—

(A) Whether the subject of the releasable records concerns the agency's operations or activities;

(B) Whether the releasable records are likely to contribute to an understanding of the agency's operations or activities;

(C) Whether the releasable records are likely to contribute to the general public's understanding of the agency's operations or activities (e.g., how will the requester convey the information to the general public);

(D) The significance of the contribution to the general public's understanding of the agency's operations or activities (e.g., is the information contained in the releasable records already available to the general public);

(E) The existence and magnitude of the requester's commercial interest, as that term is used in paragraph (f)(3)(i)(A) of this section, being furthered by the releasable records; and

(F) Whether the magnitude of the requester's commercial interest is sufficiently large in comparison to the general public's interest.

(iii) Requesters asking for reduction or waiver of fees must state the reasons why they believe disclosure meets the standards set forth in paragraph (f)(2)(ii) of this section.

(iv) Requesters who base their request for reduction or waiver of fees solely on the basis of their indigency will not be entitled to a reduction or waiver of fees.

(v) Normally, no charge will be made for providing records to Federal, state, or foreign governments, international governmental organizations, or local governmental agencies or offices thereof. The initial request for waiver or reduction of fees should be addressed to the official of the Internal Revenue Service to whose office the request for disclosure is delivered pursuant to paragraph (c)(3)(iii) of this section.

Appeals from denials of requests for waiver or reduction of fees shall be decided by the Commissioner in accordance with the criteria set forth in subdivision (iii) of this subparagraph. Appeals shall be addressed in writing to the Office of the Commissioner within 35 days of the denial of the initial request for waiver or reduction and shall be decided promptly. See paragraph (c)(8) of this section for the appropriate address. Upon receipt of the determination on appeal to deny a request for waiver of fees, the requester may initiate an action in U.S. district court to review the request for waiver of fees. In such actions, the courts will consider the matter *de novo*, except that the court's review of the matter shall be limited to the record before the Internal Revenue Service official to whose office the request for waiver is delivered. Upon receipt of the determination on

appeal to deny a request for reduction of fees, the requester may initiate an action in U.S. district court to review the request for reduction of fees. In such actions, the courts will consider the matter under the arbitrary and capricious standard.

(3) *Categories of requesters*—(i) *In general.* A request for records under this section shall include an attestation, under penalty of perjury, as to the status of the requester solely for use by the Internal Revenue Service official to whose office the request is delivered in determining the appropriate fees to be assessed. Requesters shall attest that they fall into one of the categories set forth below—

(A) *Commercial use requester.* Any person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(B) *Media requester.* Any person actively gathering news for an entity that is organized and operated to publish or broadcast news (*i.e.*, information about current events or of current interest to the public) to the public. News media entities include, but are not limited to, television or radio stations broadcasting to the public at large, publishers of periodicals, to the extent they disseminate news, who make their periodicals available for purchase or subscription by the general public, and telecommunications. Free lance journalists shall be included as media requesters if they can demonstrate a solid basis for expecting publication through a qualifying news entity (e.g., publication contract, past publication record). Specialized periodicals, although catering to a narrower audience, may be considered media requesters so long as they are available to the public generally, via newsstand or subscription.

(C) *Educational institution requester.* Any person who, on behalf of a preschool, public or private elementary or secondary school, institution of undergraduate or graduate higher education, institution or professional or vocational education, which operates a program or programs of scholarly research, seeks records in furtherance of the institution's scholarly research and is not for a commercial use.

(D) *Noncommercial scientific institution requester.* Any person on behalf of an institution that is not operated on a commercial basis, that is operated solely for the purpose of conducting scientific research whose results are not intended to promote any particular product or industry.



(E) *Other requester.* Any requester who falls outside the above categories.

(ii) Allowable charges—

(A) *Commercial use requesters.*

Records shall be provided for the cost of search, duplication, and review (including doing all that is necessary to excise and otherwise prepare records for release) of records. Commercial use requesters are not entitled to 2 hours of free search time or 100 pages of duplication.

(B) *Media requesters.* Records shall be provided for the cost of duplication alone, excluding fees for the first 100 pages.

(C) *Educational institution requesters.* Records shall be provided for the cost of duplication alone, excluding fees for the first 100 pages.

(D) *Noncommercial scientific institution requesters.* Records shall be provided for the cost of duplication alone, excluding fees for the first 100 pages.

(E) *Other requesters.* Requesters who do not fit into any of the above categories shall be charged fees that will cover the full direct cost of searching for and duplicating records, except that the first 2 hours of search time and first 100 pages of duplication shall be furnished without charge.

(4) *Avoidance of unexpected fees.* In order to protect requesters from unexpected fees, all requests for records shall state the agreement of the requesters to pay the fees determined in accordance with paragraph (f)(5) of this section or state the upper limit they are willing to pay to cover the costs of processing their requests. When the fees for processing requests are estimated by the Internal Revenue Service to exceed that limit, or when requesters have failed to state a limit and the costs are estimated to exceed \$250, and the Internal Revenue Service has not then determined to waive or reduce the fees, a notice shall be sent to the requesters. This notice shall—

(i) Inform the requester of the estimated costs;

(ii) Extend an offer to the requester to confer with agency personnel in an attempt to reformulate the request in a manner which will reduce the fees and still meet the needs of the requester;

(iii) If the requester is not amenable to reformulation, which would reduce fees to under \$250, then advance payment shall be required; and

(iv) Inform the requester that the time period, within which the Internal Revenue Service is obliged to make a determination on the request, will not begin to run, pending a reformulation of the request or the receipt of advance

payment from the requester, as appropriate.

(5) *Fees for services.* The fees for services performed by the Internal Revenue Service shall be imposed and collected as set forth in this paragraph. No fees shall be charged if the costs of routine collecting and processing the fees allowable under 5 U.S.C. 552(a)(4)(A) are likely to equal or exceed the amount of the fee.

(i) *Search services.* Fees charged for search services are as follows—

(A) Searches other than for computerized records—\$17.00 for each hour or fraction thereof for time spent by each clerical, professional, and supervisor in finding the records and information within the scope of the request.

(B) Searches for computerized records—Actual direct cost of the search. The fee for computer printouts will be actual costs.

(C) Searches requiring travel or transportation—Shipping charges to transport records from one location to another, or for the transportation of an employee to the site of requested records when it is necessary to locate rather than examine the records, shall be at the rate of the actual cost of such shipping or transportation.

(D) Other services and materials requested, pursuant to the Freedom of Information Act, which are not covered by this part are chargeable at the actual cost to the Internal Revenue Service.

(ii) *Review services.* (A) Review is the process of examining records in response to a commercial use requester, as that term is defined in paragraph (f)(3)(i)(A) of this section, upon initial consideration of the applicability of an exemption described in paragraph (b)(1) of § 601.701 to the requested records, be it at the initial request or administrative appeal level, to determine whether any portion of any record responsive to the request is permitted to be withheld. Review includes doing all that is necessary to excise and otherwise prepare the records for release. Review does not include the time spent on resolving general legal or policy issues regarding the applicability of exemptions to the requested records.

(B) Fees charged for review services—\$21.00 for each hour or fraction thereof for time spent by each clerical, professional, and supervisor in reviewing the records for disclosure.

(iii) *Duplication other than for returns and related documents.* Fees charged for duplication other than for returns and related documents are as follows—(A) \$.15 per copy of each page, up to 8½" x 14", made by photocopy or similar process.

(B) Photographs, films, and other materials—actual cost of duplication.

(C) Records may be released to a private contractor for copying and the requester will be charged for the actual cost of duplication charged by the private contractor, so long as the cost to the requester is not higher than if the Internal Revenue Service had duplicated the records itself.

(D) When other duplications not specifically identified above are requested and provided pursuant to the Freedom of Information Act their direct cost to the Internal Revenue Service shall be charged.

(iv) *Charges for copies of returns and related documents.* Charges for furnishing copies of returns and related documents are as follows:

(A) A charge of \$4.25 will be made for each request for a copy of a return or other related documents (other than Employee Plans and Exempt Organization returns). Payments are to be submitted in advance using IRS Form 4506, Request for Copy of Tax Form.

(B) A charge of \$1.00 for the first page and \$.15 for each subsequent page will be made for copies of Employee Plans and Exempt Organizations tax returns and related documents. Payments will be submitted subsequent to receipt of IRS Form 2860, Document Transmittal and Bill.

(6) *Printed material.* Certain relevant government publications which will be placed on the shelves of the reading rooms and similar public inspection facilities will not be sold at these locations. However, copies of pages of these publications may be duplicated on the premises and a fee for such services may be charged in accordance with paragraph (f)(5)(iii) of this section. A person desiring to purchase the complete publication, for example, an Internal Revenue Bulletin, should contact the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

(7) *Search and deletion services with respect to records open to public inspection pursuant to section 6110 of the Code.* Fees charged for searching for and making deletions in records open to public inspection pursuant to section 6110 of the Code only upon written request shall be at actual cost, as the Commissioner may from time to time establish.

(8) *Form of payment.* Payment shall be made by check or money order, payable to the order of the Treasury of the United States or the Internal Revenue Service.

(9) *Advance payments.* (i) If previous search, review, or duplication fees have



not been paid in a timely fashion as defined in paragraph (f)(10) of this section by a person making a request for records, the Internal Revenue Service shall require that person to remit any outstanding balance plus interest as authorized in paragraph (f)(10) of this section, plus payment of estimated fees in advance before processing the request. The "person making the request" for purposes of this paragraph is the person in whose name a request is made, except that if such person is making the request on behalf of another person whose identity is apparent on the face of the request (including attached documents), such other person is considered the "person making the request." The person who made the prior request to which fees are outstanding is identified in the same manner.

(ii) Where it is estimated or determined that allowable fees required to be paid by a requester are likely to exceed \$250, the requester will be required to make an advance payment of the entire fee before the Internal Revenue Service official to whom the request is delivered will begin to process the request.

(iii) When the Internal Revenue Service acts pursuant to paragraphs (f)(9) (i) or (ii) of this section, the administrative time limits prescribed in paragraphs (c)(7) and (8) of this section, plus permissible extensions of these time limits as prescribed in paragraph (c)(9)(i) of this section, will begin only after the Internal Revenue Service official to whom the request is delivered has received the fees described above.

(10) *Interest.* Interest shall be charged to requesters who fail to pay the fees in a timely fashion; that is, within 30 days following the day on which the statement of fees as set forth in paragraph (c)(7)(i) of this section was sent by the Internal Revenue Service official to whom the request was delivered. Interest accrues from the date the statement of fees was mailed to the requester. Interest will be at the rate prescribed in 31 U.S.C. 3717. Pursuant to the Debt Collection Act of 1982, Pub. L. 97-365, the Internal Revenue Service may take all steps authorized by the Debt Collection Act of 1982, including administrative offset, disclosure to consumer reporting agencies, and use of collection agencies, as otherwise authorized by law to encourage repayment.

(11) *Aggregating requests.* When the Internal Revenue Service official to whom a request is delivered reasonably believes that a requester or group of requesters is attempting to break down a request into a series of requests for the

purpose of evading the assessment of fees, the Internal Revenue Service shall aggregate such requests and charge accordingly, upon notification to the requester and/or requesters.

**Par. 27.** Section 601.702(g) is revised to read as follows:

(g) *Responsible officials and their addresses.* For purposes of this section, the Internal Revenue Service officials responsible for the control of records are the following officials, in the case of records under their jurisdiction: The Assistant Commissioner (Inspection), Assistant Commissioner (International), the Director of Practice, Regional Commissioners, District Directors, Service Center Directors, and the Director of the Internal Revenue Service Data Center. In the case of records of the National Office not under the jurisdiction of one of the officials referred to in the preceding sentence (including records of the National Office of the Chief Counsel), the Director, Office of Disclosure is the responsible official. Records of a Regional Counsel's Office shall be deemed to be under the jurisdiction of the Regional Commissioner; records of a District Counsel's office shall be deemed to be under the jurisdiction of the District Director. The addresses of these officials are:

#### **National Office**

##### *Mailing Address*

Director, Office of Disclosure  
Internal Revenue Service  
FOIA Request  
P.O. Box 388  
c/o Ben Franklin Station  
Washington, DC 20044

##### *Walk-in Address*

1111 Constitution Avenue NW.  
Washington, DC

##### *Mailing Address*

Assistant Commissioner (Inspection)  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
1111 Constitution Avenue NW.  
Washington, DC 20224

##### *Walk-in Address*

Same as mailing address

##### *Mailing Address*

Director, IRS Data Center  
Attn: Disclosure Officer  
Internal Revenue Service  
FOIA Request  
1300 John C. Lodge Drive  
Detroit, Michigan 48226

##### *Walk-in Address*

Same as mailing address

##### *Mailing Address*

Director of Practice

Attn: Disclosure Officer  
Internal Revenue Service  
FOIA Request  
1111 Constitution Avenue NW.  
Washington, DC 20224

##### *Walk-in Address*

1200 Pennsylvania Avenue NW.  
Ariel Rios Bldg. Room 1413  
Washington, DC

##### *Mailing Address*

Assistant Commissioner (Intern'l.)  
Attn: Disclosure Officer  
Internal Revenue Service  
FOIA Request  
950 L'Enfant Plaza  
Washington, DC 20024

##### *Walk-in Address*

Same as mailing address

#### **North Atlantic Region**

##### *Regional Office*

##### *Mailing Address*

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
90 Church Street  
New York, New York 10007

##### *Walk-in Address*

Same as mailing address

#### **Augusta District**

##### *Mailing Address*

Director, Augusta District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 787  
Augusta, Maine 04330

##### *Walk-in Address*

68 Sewall Street  
Augusta, Maine

#### **Albany District**

##### *Mailing Address*

Director, Albany District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
Leo O'Brien Fed. Office Bldg.  
Clinton Ave. & N. Pearl St.  
Albany, New York 12207

##### *Walk-in Address*

Same as mailing address

#### **Brooklyn District**

##### *Mailing Address*

Director, Brooklyn District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
35 Tillary Street  
Brooklyn, New York 11201

##### *Walk-in Address*

Same as mailing address



## Boston District

## Mailing Address

Director, Boston District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 9097 JFK Post Office  
Boston, Massachusetts 02203

## Walk-in Address

JFK Federal Building  
Boston, Massachusetts

## Buffalo District

## Mailing Address

Director, Buffalo District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1040 Niagara Square Station  
Buffalo, New York 14201

## Walk-in Address

111 West Huron Street  
Buffalo, New York

## Burlington District

## Mailing Address

Director, Burlington District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
11 Elmwood Avenue  
Burlington, Vermont 05401

## Walk-in Address

Same as mailing address

## Hartford District

## Mailing Address

Director, Hartford District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
135 High Street  
Hartford, Connecticut 06103

## Walk-in Address

Same as mailing address

## Manhattan District

## Mailing Address

Director, Manhattan District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
120 Church Street  
New York, New York 10007

## Walk-in Address

Same as mailing address

## Portsmouth District

## Mailing Address

Director, Portsmouth District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
80 Daniel Street  
Portsmouth, NH 03801

## Walk-in Address

Same as mailing address

## Providence District

## Mailing Address

Director, Providence District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
300 Westminster Mall  
Providence, RI 02903

## Walk-in Address

Same as mailing address

## Andover Service Center

## Mailing Address

Director, Andover Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
310 Lowell Street Stop 218  
Andover, Massachusetts 01812

## Walk-in Address

Same as mailing address

## Brookhaven Service Center

## Mailing Address

Director, Brookhaven Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 400, Stop 241  
Brookhaven, New York 11719

## Walk-in Address

1040 Waverly Avenue  
Holtsville, New York

## Mid-Atlantic Region

## Regional Office

## Mailing Address

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 12010  
Philadelphia, Pa. 19105

## Walk-in Address

600 Arch Street, 7th Floor  
Philadelphia, Pennsylvania

## Newark District

## Mailing Address

Director, Newark District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 270, Rm. 1535  
Newark, New Jersey 07101

## Walk-in Address

970 Broad Street  
Newark, New Jersey

## Baltimore District

## Mailing Address

Director, Baltimore District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1018  
Baltimore, Maryland 21203

## Walk-in Address

31 Hopkins Plaza

## Baltimore, Maryland

## Philadelphia District

## Mailing Address

Director, Philadelphia District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 12010  
Philadelphia, Pa. 19105

## Walk-in Address:

600 Arch Street, 7th Floor  
Philadelphia, Pennsylvania

## Pittsburgh District

## Mailing Address

Director, Pittsburgh District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 2488  
Pittsburgh, Pa. 15230

## Walk-in Address

1000 Liberty Avenue  
Pittsburgh, Pennsylvania

## Richmond District

## Mailing Address

Director, Richmond District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 10107  
Richmond, Va. 23240

## Walk-in Address

400 North Eighth Street  
Richmond, Virginia

## Wilmington District

## Mailing Address

Director, Wilmington District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 2415  
Wilmington, Delaware 19899

## Walk-in Address

844 King Street, 2nd Floor  
Wilmington, Delaware

## Philadelphia Service Center

## Mailing Address

Director, Philadelphia Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 245, Drop Point 590A  
Bensalem, Pennsylvania 19020

## Walk-in Address

11601 Roosevelt Boulevard  
Bensalem, Pennsylvania

## Southeast Region

## Regional Office

## Mailing Address

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer



P.O. Box 926, Room 626  
Atlanta, Georgia 30370

*Walk-in Address*

275 Peachtree Street, NE.,  
Atlanta, Georgia

*Atlanta District*

*Mailing Address*

Director, Atlanta District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1037, Room 554  
Atlanta, Georgia 30370

*Walk-in Address*

275 Peachtree Street, NE.,  
Atlanta, Georgia

*Birmingham District*

*Mailing Address*

Director, Birmingham District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
500 22nd Street So., Rm. 312  
Birmingham, Alabama 35233

*Walk-in Address*

Same as mailing address

*Columbia District*

*Mailing Address*

Director, Columbia District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
Fed. Office Bldg., Rm. 408  
1835 Assembly Street  
Columbia, S.C. 29202

*Walk-in Address*

Same as mailing address

*Ft. Lauderdale District*

Director, Ft. Lauderdale District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
1 University Drive, Suite 220  
Ft. Lauderdale, Florida 33324

*Walk-in Address*

Same as mailing address

*Greensboro District*

*Mailing Address*

Director, Greensboro District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
320 Federal Place, Room 240  
Greensboro, NC 27401

*Walk-in Address*

Same as mailing address

*Jackson District*

*Mailing Address*

Director, Jackson District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
100 W. Capitol Street  
Suite 504, Room 31

Jackson, Mississippi 39269

*Walk-in Address*

Same as mailing address

*Jacksonville District*

*Mailing Address*

Director, Jacksonville District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 35045, Stop 40340  
Jacksonville, Fla. 32202

*Walk-in Address*

Same as mailing address

*Little Rock District*

*Mailing Address*

Director, Little Rock District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 3778, Stop 3  
Little Rock, Arkansas 72203

*Walk-in Address*

700 W. Capitol Avenue  
Room 1002  
Little Rock, Arkansas

*Nashville District*

*Mailing Address*

Director, Nashville District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1107, Room 375  
Nashville, Tennessee 37202

*Walk-in Address*

801 Broadway, Room 375  
Nashville, Tennessee

*New Orleans District*

*Mailing Address*

Director, New Orleans District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
500 Camp Street  
Room 705, Stop 40  
New Orleans, La. 70130

*Walk-in Address*

Same as Mailing address

*Atlanta Service Center*

*Mailing Address*

Director, Atlanta Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
4800 Buford Highway  
Chamblee, Georgia 30006

*Walk-in Address*

Same as mailing address

*Memphis Service Center*

*Mailing Address*

Director, Memphis Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 30309, Stop 30

Memphis, Tennessee 38130

*Walk-in Address*

3131 Democrat Road, Room 30  
Memphis, Tennessee

*Midwest Region*

*Regional Office*

*Mailing Address*

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
One N. Wacker Drive  
Chicago, Illinois 60606

*Walk-in Address*

Same as mailing address

*Aberdeen District*

*Mailing Address*

Director, Aberdeen District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 370  
Aberdeen, SD 57402

*Walk-in Address*

115 Fourth Avenue, SE  
Aberdeen, South Dakota

*Chicago District*

*Mailing Address*

Director, Chicago District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
230 S. Dearborn St., Rm. 1980  
Chicago, Illinois 60604

*Walk-in Address*

Same as mailing address

*Des Moines District*

*Mailing Address*

Director, Des Moines District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1337 Stop 15-1  
Des Moines, Iowa 50305

*Walk-in Address*

210 Walnut Street  
Des Moines, Iowa

*Fargo District*

*Mailing Address*

Director, Fargo District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 8  
Fargo, North Dakota 58107

*Walk-in Address*

653 Second Avenue North  
Fargo, North Dakota

*Omaha District*

*Mailing Address*

Director, Omaha District  
Internal Revenue Service



FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1052, Downtown Sta.  
Omaha, Nebraska 68101

*Walk-in Address*

106 South 15th Street  
Omaha, Nebraska

*Milwaukee District*

*Mailing Address*

Director, Milwaukee District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 495, Room 436  
Milwaukee, Wisconsin 53201

*Walk-in Address*

Federal Bldg. & Courthouse  
517 E. Wisconsin Avenue  
Milwaukee, Wisconsin

*Helena District*

*Mailing Address*

Director, Helena District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
301 S. Park Avenue, 2d Floor  
Helena, Montana 59626

*Walk-in Address*

Same as mailing address

*St. Louis District*

*Mailing Address*

Director, St. Louis District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1548 Room 935  
St. Louis, Missouri 63188

*Walk-in Address*

1114 Market Street  
St. Louis, Missouri

*St. Paul District*

*Mailing Address*

Director, St. Paul District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
318 N. Robert Street  
Stop 2  
St. Paul, Minnesota 55101

*Walk-in Address*

Same as mailing address

*Springfield District*

*Mailing Address*

Director, Springfield District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 19206  
Springfield, Illinois 62705

*Walk-in Address*

320 W. Washington Street  
Springfield, Illinois

*Kansas City Service Center*

*Mailing Address*

Director, Kansas City Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 24551 Stop 7  
Kansas City, Missouri 64131

*Walk-in Address*

2306 East Bannister Road  
Kansas City, Missouri

*Regional Office*

*Mailing Address*

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1818  
Cincinnati, Ohio 45201

*Walk-In Address*

550 Main Street  
Cincinnati, Ohio

*Cincinnati District*

*Mailing Address*

Director, Cincinnati District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1818  
Cincinnati, Ohio 45201

*Walk-in Address*

550 Main Street  
Cincinnati, Ohio

*Central Region*

*Cleveland District*

*Mailing Address*

Director, Cleveland District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 99181  
Cleveland, Ohio 44199

*Walk-in Address*

1240 East 9th Street  
Cleveland, Ohio

*Detroit District*

*Mailing Address*

Director, Detroit District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 32500 Stop 11  
Detroit, Michigan 48232

*Walk-in Address*

Patrick McNamara Bldg.  
477 Michigan Ave. Rm. 2483  
Detroit, Michigan

*Indianapolis District*

*Mailing Address*

Director, Indianapolis District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 44242 Stop 27

*Indianapolis, Indiana 46244*

*Walk-in Address*

Federal Office Building  
575 N. Pennsylvania Avenue  
Indianapolis, Indiana

*Louisville District*

*Mailing Address*

Director, Louisville District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1735, Stop 27  
Louisville, Kentucky 40201

*Walk-in Address*

Post Office Building Seventh & Broadway  
Louisville, Kentucky

*Parkersburg District*

*Mailing Address*

Director, Parkersburg District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1388  
Parkersburg, W. Va. 26102

*Walk-in Address*

425 Juliana Street  
Parkersburg, West Virginia

*Cincinnati Service Center*

*Mailing Address*

Director, Cincinnati Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 267 Stop 68  
Covington, Kentucky 41019

*Walk-in Address*

200 West Fourth Street  
Covington, Kentucky

*Southwest Region*

*Regional Office*

*Mailing Address*

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
7839 Churchill Way LB-70  
Dallas, Texas 75222

*Walk-in Address*

Same as mailing address

*Dallas District*

*Mailing Address*

Director, Dallas District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
1100 Commerce St. Stop 7000 DAL  
Dallas, Texas 75242

*Walk-in Address*

Same as mailing address

*Albuquerque District*

*Mailing Address*

Director, Albuquerque District



Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1967 Stop 7000 ALB  
Albuquerque, N.M. 87103

*Walk-in Address*

517 Gold Avenue, S.W.  
Albuquerque, New Mexico

*Austin District*

*Mailing Address*

Director, Austin District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 1448 Stop 7000 AUS  
Austin, Texas 78767

*Walk-in Address*

300 E. 8th Street Stop 100D  
Austin, Texas

*Denver District*

*Mailing Address*

Director, Denver District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
1050 17th St. Stop 7000 DEN  
Denver, Colorado 80265

*Walk-in Address*

Same as mailing address

*Houston District*

*Mailing Address*

Director, Houston District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
3223 Briarpark Stop 7000 H-BP  
Houston, Texas 77042

*Walk-in Address*

Same as mailing address

*Cheyenne District*

*Mailing Address*

Director, Cheyenne District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
308 West 21 Street  
Stop 7000 CHE  
Cheyenne, Wyoming 82001

*Walk-in Address*

Same as mailing address

*Phoenix District*

*Mailing Address*

Phoenix District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
2120 North Central Avenue  
Mail Stop 7000 PH  
Phoenix, Arizona 85004

*Walk-in Address*

Same as mailing address

*Oklahoma City District*

*Mailing Address*

Director, Okla. City District

Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 66 Stop 7000 OKC  
Oklahoma City, OK 73102

*Walk-in Address*

200 N.W. Fourth Street  
Oklahoma City, Oklahoma

*Austin Service Center*

*Mailing Address*

Director, Austin Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 934 Stop 70000 AUSC  
Austin, Texas 78767

*Walk-in Address*

3651 S. Interregional Hwy.  
Austin, Texas

*Salt Lake City District*

*Mailing Address*

Director, Salt Lake City District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
465 S. 400 East Street  
Mail Stop 70000 SLC  
Salt Lake City, Utah 84111

*Walk-in Address*

Same as mailing address

*Wichita District*

*Mailing Address*

Director, Wichita District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
412 S. Main St. Stop 7000 WIC  
Wichita, Kansas 67202

*Walk-in Address*

Same as mailing address

*Ogden Service Center*

*Mailing Address*

Director, Ogden Service, Ctr.  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 9411 Stop 7000 OSC  
Ogden, Utah 84409

*Western Region*

*Walk-in Address*

1160 West 1200 South Street  
Ogden, Utah

*Regional Office*

*Mailing Address*

Regional Commissioner  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
450 Golden Gate Avenue  
Room 2301 Stop 2231  
San Francisco, Ca. 94102

*Walk-in Address*

Same as mailing address

*Boise District*

*Mailing Address*

Director, Boise District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
Box 041, Room 291  
Boise, Idaho 83724

*Walk-in Address*

Same as mailing address

*Anchorage District*

*Mailing Address*

Director, Anchorage District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 101500  
Anchorage, Alaska 99510

*Walk-in Address*

949 E. 36th Ave., Suite 101  
Anchorage, Alaska

*Laguna Niguel District*

*Mailing Address*

Director, Laguna Niguel District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box C-8  
Laguna Niguel, Ca. 92677

*Walk-in Address*

24000 Via Avila Road  
Laguna Niguel, California

*Honolulu District*

*Mailing Address*

Director, Honolulu District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 50089  
Honolulu, Hawaii 96850

*Walk-in Address*

300 Ala Moana Blvd.  
Federal Bldg. Rm. 2104  
Honolulu, Hawaii

*Los Angeles District*

*Mailing Address*

Director, Los Angeles District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 391 Room 5202  
300 N. Los Angeles Street  
Los Angeles, Ca. 90012

*Walk-in Address*

Same as mailing address

*Las Vegas District*

*Mailing Address*

Director, Las Vegas District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 16045  
Las Vegas, Nevada 89101



**Walk-in Address**

300 Las Vegas Blvd. South  
Las Vegas, Nevada

**Sacramento District****Mailing Address**

Director, Sacramento District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 2900 Stop 5201  
Sacramento, Ca. 95812

**Walk-in Address**

2345 Fair Oaks Blvd.  
Sacramento, California

**Portland District****Mailing Address**

Director, Portland District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 3341  
Portland, Oregon 97208

**Walk-in Address**

1220 S.W. Third Ave. Rm. 817  
Portland Oregon

**San Francisco District****Mailing Address**

Director, San Francisco District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
450 Golden Gate Avenue  
Room 2301 Stop 2231  
San Francisco, Ca. 94102

**Walk-in Address**

Same as mailing address

**Seattle District****Mailing Address**

Director, Seattle District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
915 Second Avenue  
Stop 625 Room 2056  
Seattle, Washington 98174

**Walk-in Address**

Same as mailing address

**Fresno Service Center****Mailing Address**

Director, Fresno Service Center  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer  
P.O. Box 24014 Stop 891  
Fresno, California 93779

**Walk-in Address**

5045 E. Bulter Avenue  
Fresno, California

**San Jose District****Mailing Address**

Director, San Jose District  
Internal Revenue Service  
FOIA Request  
Attn: Disclosure Officer

55 S. Market Street, 9th Floor  
Stop 3246  
San Jose, California 95113

**Walk-in Address**

Same as mailing address

Par. 28. A new § 601.702(h) is added to read as follows:

(h) *Business information procedures*—

(1) *In general.* Business information provided to the Internal Revenue Service by a business submitter shall not be disclosed pursuant to a Freedom of Information Act request except in accordance with this paragraph.

(2) *Definition.* Business information is any trade secret or other financial, commercial (including research) information.

(3) *Notice to business submitters.* The official having control over the requested records, which includes business information, shall provide a business submitter with prompt written notice of a request encompassing its business information whenever required in accordance with paragraph (h)(4) of this section. Such written notice shall either describe the exact nature of the business information requested or provide copies of the records or portions thereof containing the business information.

(4) *When notice is required.* (i) For business information submitted to the Internal Revenue Service prior to October 13, 1987, the official having control over the requested records shall provide a business submitter with notice of a request whenever—

(A) The business information is less than 10 years old;

(B) The business information was submitted to the Internal Revenue Service upon a commitment of confidentiality; or

(C) The Internal Revenue Service has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter.

(ii) For business information submitted to the Internal Revenue Service on or after October 13, 1987, the Internal Revenue Service shall provide a business submitter with notice of a request whenever—

(A) The business submitter has in good faith designated the information as commercially or financially sensitive information; or

(B) The official has reason to believe that disclosure of the information may result in commercial or financial injury to the business submitter.

Notice of a request for business information falling within paragraph (h)(4)(ii)(A) of this section shall be required for a period of not more than

ten years after the date of submission unless the business submitter requests, and provides acceptable justification for, a specific notice period of greater duration. Whenever possible, the business submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the business that the information in question is, in fact, confidential commercial or financial information and has not been disclosed to the public.

(5) *Opportunity to object to disclosure.* Through the notice described in paragraph (h)(3) of this section, the official having control over the requested records shall afford a business submitter ten working days within which to provide the official with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information, with particular attention to why the information is claimed to be a trade secret or commercial or financial information that is privileged and confidential. Information provided by a business submitter pursuant to this paragraph may itself be subject to disclosure under 5 U.S.C. 552.

(6) *Notice of intent to disclose.* The Internal Revenue Service shall carefully consider a business submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever the official having control over the requested records decides to disclose business information over the objection of a business submitter, the official shall forward to the business submitter a written notice which shall include—

(i) Statement of the reasons for which the business submitter's disclosure objections were not sustained;

(ii) A description of the business information to be disclosed; and

(iii) A specified disclosure date, which is ten working days after the notice of the final decision to release the requested records has been mailed to the submitter. A copy of the disclosure notice shall be forwarded to the requester at the same time.

(7) *Judicial review.* (i) The Internal Revenue Service's disposition of the request and the submitter's objections shall be subject to judicial review under paragraph (c)(11) of this section. A requester is not required to exhaust administrative remedies if a complaint has been filed under this subparagraph by a business submitter of the information contained in the requested records. Likewise, a business submitter is not required to exhaust administrative



remedies if a complaint has been filed by the requester of these records.

(ii) *Notice of FOIA lawsuit.* Whenever a requester brings suit seeking to compel disclosure of business information covered by paragraph (h)(4) of this section, the official having control over the requested records shall promptly provide the business submitter with written notice thereof.

(iii) *Exception to notice requirement.* The notice requirements of this paragraph shall not apply if—

(A) The official having control over the records determines that the business information shall not be disclosed;

(B) The information lawfully has been published or otherwise made available to the public;

(C) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(D) The information was acquired in the course of a lawful investigation of a possible violation of the internal revenue laws and notice would interfere with ongoing law enforcement proceedings.

(8) *Appeals.* Procedures for administrative appeals from denials of requests for business information are to be processed in accordance with paragraph (c)(8) of this section.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 87-23472 Filed 10-9-87; 8:45 am]

BILLING CODE 4830-01-M

## PANAMA CANAL COMMISSION

### 35 CFR Part 103

#### General Provisions Governing Vessels

**AGENCY:** Panama Canal Commission.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** The Panama Canal Commission is amending its regulations in 35 CFR 103.8, concerning preference in transit schedulings and order of transiting vessels. The changes take into account the agency's experience with the Panama Canal Transit Booking System over the last year and the corresponding needs of the shipping community. The purpose of this document is to make several changes to the booking system regulations based on numerous requests from Canal users that the Canal Commission revise the tie-breaking procedures, relax the arrival time for restricted vessels and change the cancellation provision in the present rules.

**DATES:** The amendments made herein are effective October 13, 1987. Written

comments should be submitted on or before November 12, 1987.

**ADDRESSES:** Comments should be sent to Secretary, Panama Canal Commission, 2000 "L" Street, NW., Suite 550, Washington, DC 20036-4996 or Panama Canal Commission, Office of General Counsel, APO Miami 34011-5000.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Michael Rhode, Jr., Secretary, Panama Canal Commission, telephone: (202) 634-6441, or Mr. John L. Haines, Jr., General Counsel, telephone in Balboa Heights, Republic of Panama, 011-507-52-7511.

**SUPPLEMENTARY INFORMATION:** By a document published on March 4, 1983 (48 FR 27406), the Panama Canal Commission adopted a voluntary system by which a limited number of vessels may be assured a timely transit of the Canal, upon payment of a special charge.

The present regulations, in § 103.8(d), require that in the event requests exceed the number of bookings available, first priority will be to vessels carrying primarily perishable cargo; second, preference will be given in the order of frequency of transit during a specified period; and third, if two vessels are found to have an equal number of transits, then preference will be given to the vessel having transited most recently. This section is being revised to take into consideration only booked transits rather than all prior transits.

The present regulations, in § 103.8(f)(1) as amended in 51 FR 45883 on December 23, 1986 require that restricted vessels arrive at 0100. This section is being revised to allow arrival time for restricted vessels not later than 0200.

The present regulations in 35 CFR 103.8(g) require a 2-day notice of cancellation of transit bookings. This section is being revised by deleting the 2-day period and requiring only that notice be provided prior to the required arrival time. It also revises the schedule of cancellation fees by providing a sliding scale depending on the length of the advance notice of cancellation.

The Commission has determined that these rules do not constitute a major change within the meaning of Executive Order 12291 dated February 17, 1981 (47 FR 13193). The bases for that determination are, first, that the rule, when implemented would not have an annual effect on the economy of \$100 million or more per year, and secondly, that the rule would not result in a major increase in costs or prices for consumers, individual industries, local government agencies or geographic

regions. Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, the Commission has determined that this rule is not subject to the requirements of sections 603 and 604 of Title 5, United States Code, in that its promulgation will not have a significant impact on a substantial number of small entities, and the Administrator of the Commission so certifies pursuant to 5 U.S.C. 605(b).

#### List of Subjects in 35 CFR Part 103

Panama Canal, Vessels, Booking system, Navigation (water).

### PART 103—GENERAL PROVISIONS GOVERNING VESSELS

Accordingly, 35 CFR Part 103 is amended as follows:

1. The authority citation for Part 103 continues to read as follows:

Authority: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043 and 44 U.S.C. 3501.

2. Sections 103.8(d) (2) and (3), and § 103.8(g) are revised, § 103.8(d)(4) is added, and the first two sentences of § 103.8(f)(1) are revised to read as follows:

§ 103.8 Preference in the transit schedule; order of transiting vessels.

(d) \* \* \*

(2) Second, all other vessels in the order of frequency of booked transits during a specified period.

(3) If two or more vessels are found to have equal number of booked transits under the procedure above, then preference will be given in the order of frequency of transit during a specified period.

(4) If two or more vessels are still found to have equal number of transits under the procedures above, then preference will be given to the vessel having transited most recently.

(f) \* \* \*

(1) When a vessel that is subject to transit restrictions (e.g., clear-cut; clear-cut daylight), has been booked for transit and does not arrive at a terminus of the Canal by 0200 hours of the day of the transit, the booking fee will be forfeited. Similarly, the fee will be forfeited if a booked vessel, that is not subject to such transit restrictions, does



not arrive by 1300 hours on the day of the transit. \* \* \*

(g) **Cancellation.** A transit that is booked may be canceled if notice of cancellation is received by the Canal authorities prior to the required arrival time. A charge will be assessed for such cancellations, however, in accordance with the following schedule.

Date of cancellation	Cancellation charge (the greater of)
Over 10 days prior to transit.....	20% of booking fee or \$500
10 to 7 days prior to transit.....	40% of booking fee or \$750
6 to 2 days prior to transit.....	60% of booking fee or \$1,000
1 day or less.....	80% of booking fee or \$1,250

Failure to cancel prior to scheduled arrival time on the date of intended transit will result in forfeiture of the booking fee.

Failure to cancel prior to scheduled arrival time on the date of intended transit will result in forfeiture of the booking fee.

Dated: September 1, 1987.

D.P. McAuliffe,

Administrator, Panama Canal Commission.

[FR Doc. 87-23531 Filed 10-9-87; 8:45 am]

BILLING CODE 3640-04-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

#### Changes in Flood Elevation Determinations; Arkansas, et al.

**AGENCY:** Federal Insurance Administration, Federal Emergency Management Agency.

**ACTION:** Final rule.

**SUMMARY:** Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

**DATES:** The effective dates for these modified base flood elevations are indicated on the following table and amend the Flood Insurance Rate Map(s) (FIRM) in effect for each listed community prior to this date.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed on the following table.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the final determinations of modified flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and ninety (90) days have elapsed since that publication. The Administrator, has resolved any appeals resulting from this notification.

Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish in this notice all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448), 42 U.S.C. 4001 through 4128, and 44 CFR Part 65.

For rating purposes, the revised community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either

adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State or regional entities.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in the base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

#### PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

#### § 65.4 [Amended]

2. Section 65.4 is amended by adding in alphabetical sequence new entries to the table.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas:					
Pulaski (FEMA Docket No. 6910).	City of Little Rock.....	Apr. 18, 1987 and Apr. 23, 1987 <i>Arkansas Democrat</i> .....	The Honorable Thomas A. Prince, Mayor of the City of Little Rock, City Hall, Room 203, Markham and Broadway Streets, Little Rock, Arkansas 72201.	Apr. 1, 1987.....	050181
Benton (FEMA Docket No. 6910).	City of Rogers.....	Apr. 23, 1987 and Apr. 30, 1987 <i>Northwest Arkansas Morning News</i> ..	The Honorable John W. Sampler, Jr., Mayor of the City of Rogers, 300 West Poplar Street, Rogers, Arkansas 72756.	Apr. 17, 1987.....	050013B
Florida: Clay (Docket No. FEMA-6910).	Unincorporated Areas.....	May 14, 1987 and, May 21, 1987 <i>Clay County Crescent</i> .....	The Honorable Larry R. Lancaster, Chairman, Clay County Board of Commissioners, Clay County, Clay County Courthouse, P.O. Box 1366 Green Cove Springs, Florida 32043.	May 6, 1987.....	120064



State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Georgia:					
Bibb and Jones (Docket No. FEMA-6904).	City of Macon and Bibb County.	Dec. 19, 1986 and Dec. 26, 1986 <i>Macon Telegraph and News</i>	The Honorable George Israel, Mayor, City of Macon, P.O. Box 247, Macon, Georgia 31298.	Dec. 12, 1986	130011
Cobb (Docket No. FEMA-6910).	City of Marietta	May 22, 1987 and May 29, 1987 <i>Marietta Daily Journal</i>	The Honorable Vicki Chastain, Mayor, City of Marietta, P.O. Box 609, 205 Lawrence Street, Marietta, Georgia 30061.	May 11, 1987	130226
Iowa:					
Scott (Docket No. FEMA-6910).	City of Bettendorf	May 2, 1987 and May 9, 1987 <i>Quad City Times</i>	The Honorable William C. Glynn, Mayor, City of Bettendorf, 1609 State Street, Bettendorf, Iowa 52722.	Apr. 20, 1987	190240
Mills (Docket No. FEMA-6910).	City of Emerson	June 18, 1987 and June 25, 1987 <i>Melburn Leader</i>	The Honorable Quentin Johnson, Mayor, City of Emerson, City Hall, 410 Manchester, Emerson, Iowa 51533.	Mar. 9, 1987	190202
Maryland: Hartford (FEMA Docket No. 6910).	Town of Bel Air	Apr. 23, 1987 and Apr. 30, 1987 <i>The Aegis</i>	The Honorable William N. McFaul, Town Administrator, 39 Hickory Avenue, Bel Air, Maryland 21014.	Apr. 2, 1987	240042
Massachusetts: Worcester (FEMA Docket No. 6910).	City of Leominster	Apr. 13, 1987 and Apr. 20, 1987 <i>Fitchburg-Leominster Sentinel and Enterprise</i>	The Honorable Richard Girouard, Mayor of the City of Leominster, City Hall, 25 West Street, Leominster, Massachusetts 01453.	Apr. 6, 1987	250314
Minnesota: Rice (Docket No. FEMA-6910).	City of Northfield	May 21, 1987 and May 28, 1987 <i>Northfield News</i>	The Honorable William R. Gill, Mayor, City of Northfield, 801 Washington Street, Northfield, Minnesota 55057.	May 13, 1987	270406
Ohio: Lorain (Docket No. FEMA-6904).	City of Lorain	Dec. 17, 1986 and Dec. 24, 1986 <i>Lorain Journal</i>	The Honorable Alex M. Olejko, Mayor, City of Lorain, City Hall, 200 W. Erie Avenue, Lorain, Ohio 44052.	Dec. 8, 1986	390351
Texas:					
Denton (FEMA Docket No. 6910).	Town of Corinth	Apr. 6, 1987 and, Apr. 13, 1987 <i>Denton Record-Chronicle</i>	The Honorable Shirley Spellensberg, Mayor of the Town of Corinth, Route 3—2003 South Corinth, Denton, Texas 76205.	Apr. 1, 1987	481143
Harris (FEMA Docket No. 6908).	Unincorporated areas	Jan. 26, 1987 and Feb. 2, 1987 <i>The Houston Post</i>	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.	Jan. 13, 1987	480287D
Harris (FEMA Docket No. 6908).	Unincorporated areas	Feb. 10, 1987 and Feb. 17, 1987 <i>The Houston Post</i>	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.	Feb. 4, 1987	480287D
Harris, Fort Bend, and Montgomery (FEMA Docket No. 6908).	City of Houston	Feb. 10, 1987 and Feb. 17, 1987 <i>The Houston Post</i>	The Honorable Kathryn J. Whitmire, Mayor of the City of Houston, P.O. Box 1562, Houston, Texas 77251.	Feb. 2, 1987	480296
Bexar	City of San Antonio (FEMA Docket No. 6904).	Nov. 28, 1986 and Dec. 5, 1986 <i>San Antonio Light</i>	The Honorable Henry Cisneros, Mayor of the City of San Antonio, P.O. Box 9066, San Antonio, Texas 78285.	Nov. 19, 1986	480045

Issued: October 1, 1987.

**Horold T. Duryee,**  
Administrator, Federal Insurance  
Administration.

[FR Doc. 87-23534 Filed 10-9-87; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 65

[Docket No. FEMA-6919]

#### Changes in Flood Elevation Determinations; Arkansas et al.

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Interim rule.

**SUMMARY:** This rule lists those communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer insurance on existing buildings and their contents.

**DATES:** These modified elevations are currently in effect and amend the Flood Insurance Rate Map (FIRM) in effect prior to this determination.

From the date of the second publication of notice of these changes in a prominent local newspaper, any person has ninety (90) days in which he can request through the community that

the Administrator, reconsider the changes. These modified elevations may be changed during the 90-day period.

**ADDRESSES:** The modified base (100-year) flood elevation determinations are available for inspection at the office of the Chief Executive Officer of the community, listed in the fifth column of the table.

Send comments to that address also.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The numerous changes made in the base (100-year) flood elevations on the FIRM(s) make it administratively infeasible to publish in this notice all of the modified base (100-year) flood elevations contained on the map. However, this rule includes the address of the Chief Executive Officer of the community where the modified base (100-year) flood elevation determinations are available for inspection.

Any request for reconsideration must be based on knowledge of changed conditions, or new scientific or technical data.

These modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001 through 4128, and 44 CFR 65.4.

For rating purposes, the revised community number is listed and must be used for all new policies and renewals.

These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time, enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities.



The changes in the base (100-year) flood elevations listed below are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities.

This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

#### List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

#### PART 65—[AMENDED]

The authority citation for Part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

#### § 65.4 [Amended]

Section 65.4 is amended by adding in alphabetical sequence new entries to the table.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arkansas: Faulkner	City of Conway	Aug. 14, 1987 and Aug. 21, 1987 <i>Log Cabin Democrat</i>	The Honorable David G. Kinley, Mayor of the City of Conway, 1201 Oak Street, Conway, Arkansas 72032.	July 27, 1987	050078C
Florida: Pasco	Unincorporated Areas	Aug. 27, 1987 and Sept. 3, 1987 <i>St. Petersburg Times</i> (Pasco Times)	The Honorable John J. Gallagher, Pasco County Administrator, Pasco County Government Center, 7530 Little Road, New Port Richey, Florida 33553.	Aug. 17, 1987	120230
Mississippi: Madison	City of Ridgeland	Aug. 26, 1987 and Sept. 2, 1987 <i>Twin City Press</i>	The Honorable Hite B. Wolcott, Mayor, City of Ridgeland, P.O. Box 217, 500 Highway S1 South, Ridgeland, Mississippi 39158.	Aug. 18, 1987	280110
Oklahoma: Tulsa, Osage, and Rogers	City of Tulsa	Aug. 24, 1987 and Aug. 31, 1987 <i>Tulsa World</i>	The Honorable Dick Crawford, Mayor of the City of Tulsa, 200 Civic Center, Tulsa, Oklahoma 74103.	Aug. 7, 1987	405381
Rhode Island: Washington	Town of Charlestown	Sept. 16, 1987 and Sept. 23, 1987 <i>The Charho Times</i>	The Honorable Curtis A. Shook, Charlestown Town Administrator, P.O. Box 849, Charlestown, Rhode Island 02813.	Sept. 1, 1987	445395
Tennessee: Davidson and Sumner	City of Goodlettsville	Sept. 23, 1987 and Sept. 30, 1987 <i>The Messenger</i>	The Honorable Bobby Jones, Mayor, City of Goodlettsville, City Hall, 105 South Main Street, Goodlettsville, Tennessee 37072.	Aug. 10, 1987	470287
Tennessee: Shelby	City of Memphis	Aug. 17, 1987 and Aug. 24, 1987 <i>The Daily News</i>	The Honorable Richard C. Hackett, Mayor, City of Memphis, City Hall, 125 North Mid America Mall, Memphis, Tennessee 38103.	July 21, 1987	470177
Texas: Dallas	City of Duncanville	Sept. 3, 1987 and Sept. 10, 1987 <i>Duncanville Surburban</i>	The Honorable Cliff Boyd, Mayor of the City of Duncanville, Dallas County, P.O. Box 280, Duncanville, Texas 75138.	Aug. 25, 1987	480173
Harris	Unincorporated areas	Aug. 24, 1987 and Aug. 31, 1987 <i>Houston Post</i>	The Honorable Jon Lindsay, Harris County Judge, Harris County Administration Building, 1001 Preston, Houston, Texas 77002.	Aug. 17, 1987	480287D
Tarrant	City of North Richland Hills	Sept. 22, 1987 and Sept. 29, 1987 <i>Mid-Cities Daily News</i>	The Honorable Dan Echols, Mayor of the City of North Richland Hills, P.O. Box 18609, North Richland Hills, Texas 76180.	Sept. 8, 1987	480607

Issued: October 1, 1987.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 87-23535 Filed 10-9-87; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

#### Final Flood Elevation Determinations; California, et al.

AGENCY: Federal Insurance Administration, Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing modified base flood elevations,

for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated in the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the *Federal Register* for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR Part 67. An opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been proposed. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

#### PART 67—[AMENDED]

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.



Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Any appeals of the proposed base flood elevations which were received have been resolved by the Agency.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD). Modified	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD). Modified
<b>CALIFORNIA</b>		<b>Maps available for inspection at the Township Hall, Millburn, New Jersey.</b>	
<b>Alameda County (Unincorporated Areas) (FEMA Docket No. 6911)</b>		<b>Old Bridge (Township), Middlesex County (FEMA Docket No. 6911)</b>	
<i>San Leandro Line A (Zone 2)</i>		<i>South River:</i>	
<i>Area bounded by Dermody Avenue, Wagner Avenue, Vassar Avenue, and Doane Street.</i>	None	Upstream of Bordentown Avenue.....	*10
<b>Maps available for inspection at the Alameda County Public Works Agency, 399 Elmhurst Street, Hayward, California 94544.</b>		Upstream of State Route 18.....	*11
<b>GEORGIA</b>		<i>Deep Run:</i>	
<b>Roswell (City), Fulton County (FEMA Docket No. 6911)</b>		Upstream of Bordentown Avenue.....	*10
<i>Foe Killer Creek:</i>		Approximately 0.6 mile upstream of Waterworks Road.....	*11
Just upstream of Old Roswell Road.....	*974	<i>Tennessee Brook:</i>	
About 0.8 mile upstream of Old Roswell Road.....	*997	Upstream of CONRAIL.....	*10
<b>Maps available for inspection at the City of Roswell Engineering Department, 105 Dobbs Drive, Roswell, Georgia.</b>		Downstream side of Perth Amboy Reservoir Dam.....	*11
<b>ILLINOIS</b>		<b>Maps available for inspection at the Department of Engineering and Planning, One Old Bridge Plaza, Old Bridge, New Jersey.</b>	
<b>Alexander County (Unincorporated Areas) (FEMA Docket No. 6911)</b>		<b>NEW YORK</b>	
<i>Shallow Flooding (from Rainfall): Goose Pond Pumping Station.....</i>	*307	<b>Hilton (Village), Monroe County (FEMA Docket No. 6911)</b>	
<b>Maps available for inspection at the City Hall, 2000 Washington Avenue, Cairo, Illinois.</b>		<i>Salmon Creek:</i>	
<b>Monroe County (Unincorporated Areas) (FEMA Docket No. 6915)</b>		Most downstream corporate limits.....	*261
<i>Carr Creek:</i>		Approximately 100 feet upstream of CONRAIL.....	*264
About 0.26 mile downstream of Bluff Road.....	*420	Approximately 100 feet upstream of State Route 18 and 259/South Avenue.....	*267
About 550 feet upstream of Bluff Road.....	*423	At upstream corporate limits.....	*270
About 0.92 mile upstream of Bluff Road.....	*431	<b>Maps available for inspection at the Village of Hilton Offices, 59 Henry Street, Hilton, New York.</b>	
<i>Palmer Creek:</i>		<b>OHIO</b>	
About 1.45 miles downstream of Bluff Road.....	*403	<b>Springfield (City), Clark County (FEMA Docket No. 6911)</b>	
Just downstream of Bluff Road.....	*421	<i>Buck Creek:</i>	
Just upstream of Bluff Road.....	*424	Just upstream of U.S. Route 40.....	*907
Just downstream of Illinois Central Gulf Railroad.....	*430	Just upstream of Plum Street.....	*917
Just upstream of Illinois Central Gulf Railroad.....	*435	About 500 feet upstream of Conrail (0.45 mile upstream of Belmont Avenue).....	*952
About 0.26 mile upstream of Rueck Road.....	*460	<b>Maps available for inspection at the City Building, 76 East High Street, Springfield, Ohio.</b>	
<i>Palmer Creek Tributary:</i>		<b>TEXAS</b>	
At confluence with Palmer Creek.....	*435	<b>Comal County, Unincorporated Areas (FEMA Docket No. 6905)</b>	
About 0.2 mile downstream of Rueck Road.....	*446	<i>Cibola Creek:</i>	
Just downstream of Abandoned Railroad.....	*461	Approximately 1,100 feet upstream of Ralph Fair Road.....	*1,253
Just upstream of Abandoned Railroad.....	*474	At confluence of Post oak Creek.....	*1,257
<b>Maps available for inspection at the County Courthouse, Planning Department, 100 South Main Street, Waterloo, Illinois.</b>		At confluence of Balcones Creek.....	*1,270
<b>INDIANA</b>		Approximately 510 feet upstream of County boundary.....	*1,271
<b>Mishawaka (City), St. Joseph County (FEMA Docket No. 6911)</b>		<i>Post oak Creek:</i>	
<i>Judy Creek:</i>		At confluence with Cibola Creek.....	*1,257
About 200 feet downstream of footbridge at end of Driftwood Circle.....	*736	At upstream County boundary.....	*1,272
About 1,100 feet upstream of Grape Road.....	*742	<b>Maps available for inspection at the Comal County Unit Road System, Floodplain Administrator's Office, Highway 46 West, New Braunfels, Texas.</b>	
		<b>Ovilla (City), Dallas and Ellis Counties (FEMA Docket No. 6901)</b>	
		<i>Red Oak Creek:</i>	
		At downstream corporate limits.....	*593
		Upstream side of State Route 664.....	*604
		Upstream side of Water Street.....	*619
		At upstream corporate limits.....	*651
		<i>Shiloh Branch:</i>	
		At confluence with Red Oak Creek.....	*605
		Upstream side of Stock Tank Dam.....	*634
		At upstream corporate limits.....	*637



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## Office of the Secretary

## 45 CFR Part 96

## Block Grant Programs

AGENCY: Office of the Secretary, HHS.

ACTION: Final rule.

**SUMMARY:** These final regulations amend the regulation on block grant programs to implement legislation enacted by Congress, including Pub. L. 99-117, the Health Services Amendments of 1985; Pub. L. 98-509, the Alcohol Abuse, Drug Abuse, and Mental Health Amendments of 1984; Pub. L. 98-555 the Preventive Health Amendments of 1984; and Pub. L. 98-558, the Human Services Reauthorization Act of 1984. In addition, the regulations clarify certain requirements regarding audits and reporting under the block grant programs.

EFFECTIVE DATE: November 12, 1987.

FOR FURTHER INFORMATION CONTACT: Robert C. Raymond, 202-245-7316.

**SUPPLEMENTARY INFORMATION:** The Omnibus Budget Reconciliation Act of 1981 established seven block grants to be administered by the Department of Health and Human Services. Interim final regulations to implement the block grant were published in the *Federal Register* on October 1, 1981 (46 FR 48582). Based upon the Department's review of the comments on the interim final regulations, final regulations were issued on July 6, 1982 (47 FR 29472). Recent legislation changed some of the provisions for the block grants. Certain of these provisions require changes in the regulations for the block grants. To implement these changes a notice of proposed rulemaking was published in the *Federal Register* on July 3, 1986 (51 FR 24402) and a 60-day comment period was provided. We received 110 letters providing comments on the proposed rule. The overwhelming majority of these were directed to the proposed changes in the provisions applying to the low-income home energy assistance program. Of these, most addressed the provision on administrative costs. Based on our evaluation of the comments, the regulations have been revised, as appropriate, and are now being made final. The provisions, together with the comments that we received, are discussed below.

## Eligible Entities Under the Community Services Block Grant

The definition of "eligible entity" contained in section 673(1) of the Omnibus Budget Reconciliation Act of 1981 was expanded by Section 202 of the Human Services Reauthorization Act of 1984 to include any organization that received a grant from a state based on a waiver approved by the Secretary under the Appropriations Act of 1984, Pub. L. 98-139. Thus, the organizations or political subdivisions funded by the states of Colorado, Wyoming and Utah in fiscal year 1984 based on a waiver from the Secretary are now recognized as "eligible entities."

Section 202 also defines circumstances under which the governor of a state may designate an organization or a political subdivision to serve a new area and thus qualify as an "eligible entity."

The Human Services Reauthorization Act of 1986 also expanded the definition of an eligible entity to cover certain successors in interest to a community action agency.

We received several comments which requested that we provide a definition of "eligible entity". We agree that a definition of the term would be helpful. An "eligible entity" is an organization that:

- (1) Was officially designated as a community action agency or a community action program under the provisions of section 210 of the Economic Opportunity Act of 1964 for fiscal year 1981 and did not lose its designation; or
- (2) Was a limited purpose agency under Title II of the Economic Opportunity Act of 1964 for fiscal year 1981 which served the general purposes of a community action agency under Title II of the Economic Opportunity Act and did not lose its designation; or
- (3) Received financial assistance under section 222(a)(4) of the Economic Opportunity Act in fiscal year 1981; or
- (4) Received a grant in fiscal year 1984 under the waiver provision of Pub. L. 98-139; or
- (5) Was created, under section 6723(1)(C) of the Community Services Block Grant Act, to serve a geographic area not previously served; or
- (6) Came into existence during fiscal year 1982 as a direct successor in interest to a community action agency or community action program and meets all the requirements under section 675(c)(3) of the Community Services Block Grant Act.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD). Modified
<b>Little Creek:</b> Approximately 520 feet downstream of downstream corporate limits.....	*590
At upstream corporate limits.....	*596
<b>Maps available for inspection at the City Hall, Cocker Hill and Main, Ovilla, Texas.</b>	
<b>Sugar Land (City), Fort Bend County (FEMA Docket 6911)</b>	
<b>Brazos River:</b> Approximately 4.2 miles downstream of U.S. Route 59.....	*69
Downstream side of U.S. Route 59.....	*74
Approximately 1.3 miles upstream of U.S. Route 59.....	*76
<b>Oyster Creek:</b> Upstream side of Oyster Creek.....	*73
At Southern Pacific Railroad.....	*74
Approximately 0.7 mile upstream of Southern Pacific Railroad.....	*75
Approximately 2.8 miles upstream of Harmon Road.....	*77
<b>Maps available for inspection at the Department of Public Works, City Hall, 200 Matlage Way, Sugar Land, Texas.</b>	
<b>WISCONSIN</b>	
<b>Fond du Lac (City), Fond du Lac County (FEMA Docket No. 6911)</b>	
<b>De Neveu Creek:</b> At mouth.....	*750
Just upstream of Fourth Street.....	*771
About 1.26 miles upstream of County Highway V.....	*806
<b>McDermott Creek:</b> At confluence with De Neveu Creek.....	*755
About 850 feet upstream of Morningside Drive.....	*772
<b>Maps available for inspection at the City/County Government Center, 160 South Macy Street, Fond du Lac, Wisconsin.</b>	
<b>Fond du Lac County (Unincorporated Areas) (FEMA Docket No. 6915)</b>	
<b>De Neveu Creek:</b> About 420 feet downstream of County Highway V.....	*783
About 370 feet upstream of U.S. Highway 45.....	*820
About 0.7 mile upstream of U.S. Highway 45.....	*829
<b>Maps available for inspection at the Planning Department, 160 South Macy Street, Fond du Lac, Wisconsin.</b>	
<b>Milwaukee (City), Milwaukee County (FEMA Docket No. 6720)</b>	
<b>Kinnickinnic River:</b> Just upstream of Kinnickinnic Avenue.....	*584
About 300 feet downstream of South 20th Street.....	*626
Just upstream of South 20th Street.....	*633
Just downstream of South 29th Street.....	*634
Just upstream of State Highway 24.....	*639
<b>Maps available for inspection at the Department of City Development, 809 North Broadway, Milwaukee, Wisconsin.</b>	

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

Issued: October 1, 1987.

[FR Doc. 87-23537 Filed 10-9-87; 8:45 am]

BILLING CODE 6718-03-M



### Earmarks and Other Funding Limitations Under the Alcohol and Drug Abuse and Mental Health Services Block Grant ("ADMS")

Title XIX, Part B of the Public Health Service Act now has eight earmarks—percentage restrictions or requirements—that govern state expenditure of funds under the alcohol and drug abuse and mental health services block grant. These are as follows:

1. Section 1915(d) prohibits a State from using more than ten percent of the amount it is paid under the block grant for the cost of administering the block grant.

2. Section 1916(c)(6)(A) requires a State to use certain proportions of its nondiscretionary funds allocated under the fiscal year 1982 block grant for mental health activities and for substance abuse activities.

3. Section 1916(c)(6)(B) requires a State to divide at least 75 percent of its block grant allotment for fiscal years beginning after fiscal year 1984 into the percentages specified in section 1916(c)(6)(A), with the remainder available for discretionary use.

4. Section 1916(c)(7)(A) requires that, of the ADMS block grant funds required to be made available under 1916(c)(6), at least 35 percent shall be used for programs and activities relating to alcoholism and alcohol abuse.

5. Section 1916(c)(7)(B) requires that, of the ADMS block grant funds required to be made available by a State under 1916(c)(6), at least 35 percent shall be used for programs and activities relating to drug abuse.

6. Section 1916(c)(8) requires that, of the funds to be used by a State for alcohol and drug abuse activities, at least 20 percent shall be used for prevention and early intervention programs designed to discourage the abuse of alcohol or drugs, or both.

7. Section 1916(c)(14) requires a state to use not less than three percent in fiscal year 1985 and not less than five percent in any other fiscal year of its total block grant allotment to initiate and provide new or expanded alcohol and drug abuse services for women.

8. Section 1916(c)(15) requires that, of the amounts to be used in any fiscal year for mental health activities, a state shall use at least ten percent of such funds to initiate and provide (A) in fiscal year 1985 new comprehensive community mental health services for underserved areas or for underserved populations, with special emphasis on new mental health services for severely disturbed children and adolescents and (B) in any other fiscal year new or

expanded services as set out in clause (A) above.

In addition to the limitations set out above, section 1915(c) allows a state to transfer not more than seven percent of its block grant allotment out of the block for the support of other activities specified by law. Not more than three percent of the allotment can be transferred in the first three quarters of a fiscal year.

### Contact Persons for Block Grants

The contact persons for the block grants are as follows:

#### *Alcohol and Drug Abuse and Mental Health Services*

For information and assistance related to program matters: Gary L. Palsgrove, Deputy Director, Division of Intergovernmental Activities, Alcohol, Drug Abuse and Mental Health Administration, 5600 Fishers Lane, Room 13-C-05, Rockville, Maryland 20857 (301) 443-4564. Requests for programmatic technical assistance will be referred to the Institutes, as appropriate. For information and assistance related to fiscal and grants management matters: Thomas M. Reynolds, Grants Management Officer, Division of Grants and Contracts Management, Alcohol, Drug Abuse and Mental Health Administration, 5600 Fishers Lane, Room 13-C-20, Rockville, Maryland 20857 (301) 443-3334.

#### *Preventive Health and Health Services*

For information and assistance related to program matters: Jerry Spyke, Senior Public Health Advisor, Center for Preventive Services, Centers for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, (404) 329-1804. For information and assistance related to fiscal matters and grants management: Leo A. Sanders, Chief, Grants Management Branch, Centers for Disease Control, 255 E. Paces Ferry Road, NW., Room 107A, Atlanta, Georgia 30305, (404) 262-6576.

#### *Maternal and Child Health Services*

James Corrigan, Associate Director, Bureau of Community Health Services, 5600 Fishers Lane, Room 7-05, Rockville, Maryland 20857, (301) 443-2380.

#### *Social Services*

Janet Hartnett, Office of Policy, Planning and Legislation, Human Development Services, Room 318E, Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 245-2892. For information and assistance related to fiscal matters and grants management: David Ramos, Office of Management Services, Room

330E, Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 472-3243.

#### *Low-Income Home Energy Assistance and Community Services Block Grant*

David Kirker, Director, Office of Community Services, Room 427D, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, (202) 475-0373.

### Section-by-Section Analysis of Changes in the Regulations

#### *Section 96.14 Time period for obligation and expenditure of grant funds.*

Prior to passage of the Human Services Reauthorization Act (Pub. L. 98-558), states receiving funds to administer the low-income home energy assistance program were permitted to hold available for obligation in the succeeding fiscal year up to 25 percent of their allotment. Beginning with fiscal year 1985 funds that are held available for fiscal year 1986, only 15 percent of funds payable to a State for a fiscal year and not transferred to another block grant may be held available for obligation in the following fiscal year. The amendments in Pub. L. 98-558 specify that funds payable to a State are those funds remaining after any portion of the state's allotment has been set aside for direct grants to applicant Indian tribes and tribal organizations. Section 96.14, which addresses the time period for the use of funds, has been changed accordingly.

#### *Section 96.15 Waivers.*

In accordance with Pub. L. 98-558, the Secretary's authority to waive application assurances for the low-income home energy assistance program is repealed, effective at the beginning of fiscal year 1986. Section 96-15, which lists the officials to whom applications for waivers should be sent, has been changed accordingly.

#### *Section 96.17 Annual and biennial reports.*

The notice of proposed rulemaking included a provision requiring the annual or biennial reports (except those for the low-income home energy assistance program and the community services block grant) to be made public and transmitted to the Secretary within six months of the end of the block grant reporting periods. (Submission of reports for the low-income home energy assistance program is governed by an existing regulation published at 45 CFR 96.82. No separate annual or biennial report is required for the community services block grant. Rather, the statute



authorizing that block grant requires that the annual report on State activities and expenditures be included as a part of the State's application for the succeeding year's funding.)

Annual reports are required for the health block grants: (preventive health and health services, 42 U.S.C. 300w-5(a)(1); alcohol and drug abuse and mental health services (42 U.S.C. 300x-5(a)(1)), and maternal and child health services (42 U.S.C. 706(a)(1)). A report at least every two years is required for the social services block grant (42 U.S.C. 1397e(a)). Although the statutes do not expressly require that the reports be transmitted within a particular period of time, a requirement that this be done within a reasonable period of time is implicit in those provisions. The reports are intended to provide information on the use of block grant funds for use by the States, their citizens and legislatures, and by the Department and Congress. The reports can only serve these functions if they are prepared, made public, and transmitted in a timely fashion.

We received five comments on the proposed provision. One State asked that we clarify the term "reporting period". In response, we wish to make clear that, for the health block grants, the reporting period is the same as the program year determined by the State to be the basis for administering activities funded under the block grants. In the case of the social service block grant the reporting period consists of two consecutive program years. A second State supported the change but interpreted it to mean that we were requiring annual (or biennial) reports in the case of block grants that do not have a statutory requirement for such reports. We wish to make clear that we are not imposing a requirement that States provide reports where they are not statutorily required to do so. Rather this provision sets a due date for reports for which there is already a statutory requirement.

Another State urged that we modify the rule to clarify that we are requiring that the State make the report *available* to the public and not requiring that the State publish the report. We agree and have modified the provision accordingly.

Two States objected to the due date as it applied to the social services block grant. One of the two States indicated that six months did not allow them sufficient time to prepare the report since the State relied on reports from local providers. The second State indicated that they have included reports on social service block grant expenditures in their applications for the following year and that the proposed

six-month deadline would require preparation of a separate report. There are fourteen States that follow this practice.

In consideration of these comments and further consultation with States, we have modified this provision. The provision still requires States to submit reports within six months of the end of the reporting period. However, a State may submit its annual as a part of its application for funding for the year following the end of the six-month period. The deadline for the reports responds to State requests for a clearly specified due date for these reports. However, it allows certain States to continue their practice of including the annual report in their application for funds. The deadline does not ensure the public availability of a description of State block grant activities before the State finalizes plans for the subsequent year's program. However, the block grant statutes stress administrative flexibility and we believe that this outweighs the need for an earlier report. This is supported by the fact that Congress did not set a due date for any of the reports. Clearly, States may choose to make the required information available earlier than the deadline established in this rule. Although we are setting a particular deadline, we encourage States to consider how the timing of the report can contribute to an informed public discussion of future State activities. It should be noted that the establishment of a deadline for these reports does not alter the current policy of allowing States to determine the form and content of the report.

#### *Section 96.30 Fiscal and administrative requirements.*

Existing paragraph (b) of this section governs block grant audits. The revision being adopted removes that paragraph and transfers provisions relating to block grant audits to a new § 96.31—Audits.

#### *Section 96.31 Audits.*

The Single Audit Act, Pub. L. 98-502, requires units of State and local government to conduct a single audit of all Federal financial assistance received in a fiscal year. By the express terms of the Act, these "single audits" are to be conducted in lieu of the separate program audits required by other provisions of Federal law.

Consequently, the Single Audit Act generally overrides the separate audit requirements of the block grant statutes.

The Department has concluded that the Single Audit Act takes precedence over all the block grant audit requirements despite the fact that some

of the separate block grant audit requirements were amended several days after the Single Audit Act was enacted. Although the general rule of statutory construction is that the more recent of two conflicting statutes controls, Congress gave no indication of an intent to provide a limited repeal of the Single Audit Act by creating an exception for several block grants. In light of the strong presumption against implied repeals and the manifest congressional intent to impose a single, uniform and consistent audit requirement on recipients of Federal funds, the Department has determined that the Single Audit Act overrides the separate audit requirements in the block grant statutes.

There are two limitations on the applicability of the Single Audit Act. First, the Single Audit Act does not apply to any recipient's fiscal year that began before January 1, 1985. Second, a recipient that receives between \$25,000 and \$100,000 in total Federal financial assistance from any or all sources has the option of either conducting a single audit or conducting an audit in accordance with the terms of the specific Federal assistance program to be audited. (Any State, local government, or Indian tribe that receives less than \$25,000 in total Federal financial assistance from any or all sources is, under the terms of the Single Audit Act, exempt from Federal audit requirements.)

The regulations set out requirements for audits conducted under the Single Audit Act and under the separate block grant programs. Single audits must be conducted in accordance with the Single Audit Act as interpreted by the Office of Management and Budget in Circular A-128, published at 50 FR 19114 (May 6, 1985).

The regulation also establishes reporting deadlines for audits that are conducted under some authority other than the Single Audit Act. While these dates are not expressly established by the relevant statutory provisions, a reasonable audit report deadline is implicit in the need to ensure timely assimilation of audit findings. As provided in OMB Circular A-128, audit reports for audits conducted under the Single Audit Act are required to be submitted within one year of the end of the audit period. We are requiring the same submission date for the audits that are conducted under an authority other than the Single Audit Act.

Audits conducted for state fiscal years that began prior to January 1, 1985, must be submitted within one year of the



publication of this rule.

#### *Section 96.32 Financial settlement.*

This section of the final rule refers to the statutory requirement that states repay to the Department funds that have been determined by audit and audit resolution to have been expended improperly. Each block grant program is subject to a statutory provision that requires grantees to repay funds that have not been expended in accordance with the applicable block grant provisions: (Community services, 42 U.S.C. 9904(g); preventive health and health services, 42 U.S.C. 300w-5(b)(3); alcohol and drug abuse and mental health services, 42 U.S.C. 300x-5(b)(3); maternal and child health services (42 U.S.C. 706(b)(2), social services 42 U.S.C. 1397e(b); low-income home energy assistance, 42 U.S.C. 8624(g)). If an audit uncovers improper expenditures, the state is obligated to repay the Department. If repayment is not made voluntarily, the Department may obtain recovery through offset against other funds due the state. This will be undertaken in accordance with this rule and 45 CFR Part 30, "Claims Collection."

#### *Section 96.33 Referral of cases to the Inspector General.*

A new section has been added to identify the Regional Office of Investigations (of the Department's Office of the Inspector General) as the agency to which States and tribes should report information relating to possible fraud or other offenses against the United States.

#### *Section 96.42 General procedures and requirements.*

Current regulations at 45 CFR 96.42(b) set a deadline of September 1 for tribes to submit applications for direct grants. The deadline was imposed because states are responsible for serving tribal households if the tribe does not apply for a direct grant, and States need an early indication of which tribal households they must plan to serve. On the other hand, if a State has no objection to having additional funds set aside for a tribal application that is submitted after September 1, we have no objection. We have amended paragraph (b) of § 96.42 to allow for such circumstances.

#### *Section 96.44 Community services.*

We have amended § 96.44(e) to make clear that Indian tribes or tribal organizations do not have to comply with the assurance regarding termination of funding to a community action agency or a farmworker organization. This provision is not

relevant in the case of Indian tribes and tribal organizations.

We have also added a new § 96.44(f) concerning the costs that Indian tribes and tribal organizations incur in administering the community services block grant. Congress amended section 675(c)(2)(B) of the community services block grant to permit States to expend the greater of \$55,000 or five percent of the State's allotment on administrative expenses at the State level. In the notice of proposed rulemaking we indicated that the optional \$55,000 ceiling did not apply to tribes or tribal organizations, because we were of the opinion that application of this provision to these entities would allow them to expend a disproportionate amount on administration.

We received one comment on this provision from a National Indian organization. The comment supported the proposed change in administrative costs for tribes under the low-income home energy assistance program and recommended that we provide similar flexibility for the administrative costs of small tribes under the community services block grant. The commenter agreed that the \$55,000 amount would allow small tribes to expend too much on administrative costs, but suggested that we attempt to find other formulations that would carry out the intent of Congress to allow more flexibility while still keeping a reasonable limit on administrative costs. We agree with the comment. We have added § 96.44(f) to apply the limit on administrative cost to small tribes and tribal organizations in a manner that achieves the flexibility provided to States and small territories.

The section provides that Indian tribes and tribal organizations may spend for administrative expenses up to the greater of (1) five percent of their allotment or (2) the percent represented by the ratio of \$55,000 to the smallest State allotment (excluding territorial allotments) for the fiscal year in question. The Office of Community Services will notify tribes and tribal organizations of the alternative percentage as soon as State and tribal allotments have been determined for the fiscal year.

#### *Section 96.50 Complaints.*

The change in this section clarifies that complaints regarding the health block grants should be submitted to either the Assistant Secretary for Health or to the administrator of the office responsible for administering the block grant.

#### *Section 96.51(a) Hearings.*

The revision of paragraph (a) clarifies the instances in which a State is entitled to a hearing on repayment of block grant funds. The section now states that no opportunity for a hearing will be offered if the State agrees to the repayment of block grant funds. This is in accordance with the clearly established principle that hearings are intended only to provide an opportunity to resolve disputed issues of law or fact.

#### *Subpart H Low-Income Home Energy Assistance Program ("LIHEAP")*

#### *Section 96.81 Reallotment report.*

Under the low-income home energy assistance program, the Secretary is required to reallot funds that are unused at the end of each fiscal year. States may request that a portion of their unused funds not be reallotted, but rather held available for use in the next fiscal year. Section 96.81 requires a grantee to submit a report that identifies those funds that are to be held available for use in the succeeding fiscal year and those funds that will be unspent and available for reallotment. Section 606(a) of Pub. L. 98-558 requires grantees to explain why funds were not expended during the fiscal year and to describe the types of assistance to be provided with those funds in the following fiscal year. Therefore, we have revised the reporting requirement at § 96.81 to require that States provide this information as part of their report due August 1 of each year.

Section 606(b)(1)(A) of Pub. L. 98-558 reduces the percentage of funds a State may request be held available for the subsequent fiscal year from 25% to 15% of those funds payable to the State and not transferred. This limit applies beginning with fiscal year 1985 funds held available for fiscal year 1986.

We received no comments on this section of the proposed regulation.

#### *Section 96.82 Required report.*

Section 96.82 requires grantees to submit an end-of-year report stating the total number of households assisted by income level. This revision to that section adds a requirement that grantees must report the number of households that contain one or more individuals who are 60 years or older and the number that contain one or more handicapped individuals. We received two comments on this section, one supporting and one opposing this proposed revision. The opposing comment suggested that the word "60 years or older" be replaced with the word "elderly" and indicated that this



would be more consistent with the intent of Congress under the block grants to provide States with maximum administrative flexibility. The comments also indicated that the proposed language would establish an arbitrary Federal definition of elderly and would substantially increase administrative expenses of those States that would be required to bring their administrative practice into compliance.

Congress mandated, by section 2610 of the statute, that the Department report to it annually the number of assisted households that contain "one or more individuals who are 60 years or older or are handicapped \* \* \*". Consistent with this statutory requirement, we provided for the collection of data, including the number of households which received such assistance and included one or more individuals who are 60 years or older or handicapped.

This definition of elderly is for reporting purposes only and does not extend to program implementation. We understand that having two definitions, e.g., one for eligibility determinations and one for Federal reporting, may cause grantees some difficulty. However, the statute is quite specific. As we have no other source for this information at the State and tribal level, we have no alternative but to extend this reporting requirement to grantees. If this requirement creates significant difficulty for a particular grantee, we will, upon request, attempt to assist that grantee meet the requirement in the most efficient manner possible.

#### *Section 96.83 Direct payments to SSI recipients*

We have eliminated the section of the regulations which allowed States to request that the Federal government make LIHEAP payments to recipients of the Federal Supplemental Security Income program. The statutory provision allowing this method of payment was repealed by section 603(c) of Pub. L. 98-558.

We received one comment supporting the revision.

#### *Section 96.86 State plans.*

Section 605(c) of Pub. L. 98-558 amended the LIHEAP statute to require grantees to expend LIHEAP funds in accordance with the plan submitted as part of the grantee's application for funding. Consequently, the LIHEAP plan, as well as the statute and regulations, now governs the grantee's use of funds and provides standards of compliance. HHS, in exercising its statutory oversight and enforcement activities, and the State or independent

tribal auditors, in carrying out their audit functions, must be able to ascertain the standard of compliance contained in the plan for each statutory provision and for each type of assistance provided by the grantee under its LIHEAP program.

Our review of State plans and programs over the past five years has indicated that many States have misinterpreted the statutory requirement in section 2605(c)(1) that grantees describe how they will carry out the assurances in section 2605(b) of Pub. L. 97-35.

Section 96.86 of the regulations clarifies the statutory requirement that all of the assurances in section 2605(b) apply to each form of assistance provided by the grantee, e.g., heating assistance, cooling assistance, crisis assistance and low-cost residential weatherization and energy-related home repairs. The assurance in section 2605(b)(15) is an exception to this rule. Clearly, on its terms it applies only to energy crisis intervention activities. That assurance, because of changes to the LIHEAP statute, is in effect only for fiscal years 1986 and 1987.

One comment suggested that if LIHEAP funds are expended under an approved Department of Energy (DOE) weatherization plan, the DOE plan should have precedence if its requirements conflict with LIHEAP provisions.

The Department does not have the authority to adopt this suggestion. We are aware that the provisions of the DOE Low Income Weatherization Assistance Program (LIWAP) and LIHEAP statutes differ in some ways. However, the Human Services Reauthorization Act of 1984 amended the LIHEAP statute by eliminating the Secretary's authority to waive LIHEAP provisions.

The areas of conflict are relatively few, related primarily to appropriate modifications, the treatment of owners and renters, and the provision of a fair hearing to applicants whose applications are denied or not acted upon with reasonable promptness. It appears that grantees have been able to successfully meet the requirements under both statutes.

#### *Section 96.87 Prevention of waste, fraud and abuse.*

Section 605(a)(9) of Pub. L. 98-558 requires that the Secretary issue regulations to prevent waste, fraud and abuse in the LIHEAP program. We have addressed this requirement in § 96.87, which requires grantees to have in place systems and procedures for preventing, detecting and correcting instances of

waste, fraud, and abuse in the low-income home energy assistance program. The regulations also require that these systems and procedures address waste, fraud, and abuse of vendors, clients, and administering agencies. We will review these systems and procedures in the course of the compliance reviews conducted by the Department under 42 U.S.C. 8627. Examples of activities that grantees may use to prevent, detect, and correct instances of waste, fraud, and abuse, include appropriate warning statements on beneficiary applications and vendor vouchers, computer screens, audits, and memoranda of understanding with investigative organizations.

One comment supported this provision but requested clarification as to whether the Department intended to further define the terms waste, fraud, and abuse. We believe the legislative history related to this provision clearly supports broad discretion as to how grantees will comply with the provision. Consequently, we declined to further define the terms by regulation.

Asserting that present administrative funds are inadequate, one comment requested that the Department increase the administrative cost limitation to allow for additional activities that may be required to prevent waste, fraud, and abuse. The administrative cost limitation is imposed on States by statute. The Secretary has no authority to waive any of the statutory provisions imposed on States. The Department is not imposing requirements in this area beyond those contained in the statute and regulation.

We received one comment from a State willing to share its experiences in the area of preventing waste, fraud and abuse and requesting suggestions from other State agencies. We believe this approach, rather than extensive Federal regulations, is the better way to identify appropriate measures to prevent waste, fraud and abuse. The Department conducted a round table discussion on the subject in February 1986. Copies of the proceedings are available from the American Public Welfare Association. Where possible, the Department will continue to provide for the exchange of information among grantees on issues of concern, including preventing waste, fraud, and abuse.

#### *Section 96.88 Limitations on LIHEAP administrative costs.*

(a) *Costs of planning and administration.* The statute for the low-income home energy assistance program includes an express limitation on the percent of funds that may be used for



planning and administering the program. In our final rules of July 6, 1982, we declined to define administrative costs for the block grants. Rather, in accordance with the intent of the block grant statutes, the regulation allows States to determine in the first instance which expenses constitute administrative costs chargeable to block grant funds.

While the final rule did not provide a detailed definition of planning and administrative costs, it did include guidance to grantees regarding the determination of administrative costs.

First, § 6.30 refers to State laws and procedures as governing the expenditure of block grant funds.

Except where otherwise required by Federal law or regulation, a State shall obligate and expend block grant funds in accordance with the laws and procedures applicable to the obligation and expenditure of its own funds.

Guidance issued by the Office of Management and Budget on September 22, 1981 to States indicated that the State's usual definition of administrative costs would apply to the block grant.

Second, the preamble to the block grant regulations of July 6, 1982, established a standard of review for grantee interpretations of block grant provisions.

Accordingly, when an issue arises as to whether a State has complied with \* \* \* the statutory provisions, \* \* \* the Department will ordinarily defer to the State's interpretation of \* \* \* the statutory provisions. Unless the interpretation is clearly erroneous, State action based on that interpretation will not be challenged by the Department.

In late 1982, responding to an inquiry from a governor who requested an interpretation of administrative costs, the Secretary stated:

\* \* \* any reasonable interpretation by the states will be acceptable. Our standard for this and other interpretations is whether the state practice is clearly erroneous. It is difficult to imagine that a definition of administrative costs that is consistent with state practice could be considered clearly erroneous.

Third, the preamble to the block grant regulations of July 6, 1982 states:

In the final analysis, the state must determine which expenses constitute administrative costs chargeable to grant funds on a case-by-case basis, subject to review on the same basis as other state interpretations of the block grant statutes. This decision will be based upon the intrinsic nature of each program and the standard accounting procedures followed by each state. As a general matter, administrative costs are all the costs of program administration, whether they could be

considered direct or indirect costs under categorical grants.

This guidance provided grantees with maximum flexibility to define administrative costs consistent with the broad statutory guidelines. The Department declined to provide additional guidance in the regulations because we believed that the meaning of the statute was sufficiently clear.

Since that time, in carrying out the compliance function assigned to the Department by statute, we have learned of misunderstandings on the part of some states and tribes as to (1) whether the costs of planning and administration incurred by subgrantees, local administering agencies and contractors must be considered in assessing compliance with the statutory limits on administrative costs, and (2) what costs are normally associated with the administration of a public assistance program.

We have been addressing these issues in enforcement proceedings. This is a lengthy process which could lead to withholding or ordering repayment of funds found not to have been expended in accordance with the statute. Currently, the Department is reviewing decisions of several grantees to exclude certain costs from the administrative cost limitation. We are concerned that a number of grantees are incurring substantial costs that may eventually be subject to repayment under section 2605(g) of the LIHEAP statute.

Based on these concerns, we decided to clarify this provision by regulation, rather than through audit or compliance reviews of individual grantees.

The notice of proposed rulemaking included a § 96.88 that stated:

#### *Section 96.88 Administrative costs*

(a) *Costs of planning and administration.* Any expenditure for governmental functions normally associated with administration of a public assistance program, such as taking applications, determining eligibility and benefits, and monitoring the assistance provided, must be included in determining administrative costs subject to the statutory limitation on administrative costs, regardless of whether the expenditure is incurred by the state, a subrecipient, a grantee, or a contractor of the state.

The section was intended to clarify the administrative cost limitation in two ways. First, it stated that the limit applied to costs incurred in administration of the program, regardless of whether they were incurred by the state, a subrecipient, a grantee, or a contractor of the state. Second, it defined administrative costs as those expenditures normally associated with administration of a

public assistance program, including taking applications, determining eligibility and benefits, and monitoring the assistance provided.

The Department received approximately 100 comments on the proposed language. Only a few comments contested the aspect of the proposed language that required administrative costs from all program levels to be included in the determination of state adherence with the statutory limit on administrative costs. One comment stated that since Congress did not specifically include subrecipients, grantees, and contractors of states in the definition of "state" in section 2603(6) of the LIHEAP statute, it must not have intended that these entities be included under the administrative cost limitation.

We disagree. There is no indication in the statute or legislative history that Congress intended this interpretation. Where Congress has intended to apply the administrative cost limits to expenditures at the State level only, it has done so explicitly. For example, the limitation on administrative costs under the community services block grant clearly applies only to the State level expenditures. By failing to include similar language in the LIHEAP statute, we conclude that Congress intended to limit aggregate administrative costs, regardless of whether they are incurred at the State or subrecipient level. We have maintained that aspect of the proposed rule in the final rule.

Almost all of the remaining comments on this section objected to our attempt to clarify functions that are administrative. The comments demonstrated considerable variation in the kinds of activities that might be included in the functions listed in the proposed regulation. Because the inclusion of these functions in regulation might unintentionally have infringed on state prerogatives to define administrative costs in a manner consistent with the statute, we are removing from the final rule the reference to the specific functions.

We are concerned, however, that many of the comments reflected a lack of understanding of the strict limits placed on administrative costs by the statute. While we are not including the list of specific functions in the final rule, nonetheless, we believe that the costs associated with those functions, i.e., taking applications, determining eligibility and benefit levels, and monitoring the assistance provided, are normally administrative in a predominantly cash assistance program, such as LIHEAP. Consequently, we will



carefully assess any other categorization of these costs in our compliance reviews and in our reviews of audit findings.

We recognize that a grantee's program may include a variety of benefits and administrative structures. For example, a grantee may provide cash assistance, services, and in-kind benefits. Certain activities associated with one type of benefit may be administrative, while a similar activity associated with another may not be. We will continue to examine grantee programs on a case-by-case basis, looking in particular to other State programs that provide analogous benefits to determine the appropriateness of the State's definition of administrative costs for LIHEAP.

Some comments mistakenly assumed that "outreach" was included in our proposed definition of administrative costs and asserted that outreach is directly related to service delivery rather than to administration. We agree that outreach activities are not intrinsically administrative and therefore we excluded this term from the proposed list. In some cases, the term refers to providing general information to the public about the existence of the LIHEAP program. In others, cited in a number of comments, the term includes such activities as budget counselling, energy education, arranging deferred or budget payment arrangements with energy providers, and other services directly related to the purpose of the statute. The term encompasses activities that are administrative and others that are not. We will review the appropriateness of a grantee's definition of outreach costs during compliance reviews and audits.

Several comments objected to the issuance of any Departmental regulation in the area of administrative costs. Several cited the Secretary's letter of July 15, 1982 (see above) as stating a policy not to regulate block grant administrative costs. The Secretary's letter indicates that the Department at that time had decided against further definition of administrative costs. However, for the reasons stated above, we believe that clarification of the issue of administrative costs is clearly warranted.

Two comments apparently held that all costs incurred by subrecipients, subgrantees, and contractors are program costs because they are closely associated with the delivery of services. Similarly, a number of comments asserted that expenditures related to the functions listed in the proposed rule are directly related to serving clients and are, therefore, "program" or "program support" rather than administration.

We disagree with these comments for three reasons. First, this interpretation is inconsistent with the preamble to the final block grant regulations. This stated that the grantees' determination of administrative costs is based upon the intrinsic nature of each program and the standard accounting procedures followed by each grantee, rather than on the type of agency.

Second, these comments characterize LIHEAP as a service program. While we recognize that certain aspects of LIHEAP involve the delivery of services, in fact, the largest expenditure of LIHEAP funds is for cash assistance. As we indicated earlier, a grantee must determine which expenses constitute administrative costs chargeable to the grant funds based upon the nature of the program and the standard accounting procedures for analogous programs followed by the grantee.

Third, costs associated with determining whether an applicant may receive assistance or assessing whether subgrantees or contractors are following the grantee's plan and procedures are intrinsically administrative in the context of a public assistance program. As noted in the preamble to the block grant regulations of July 6, 1982, the limit upon administrative expenditures is indicative of congressional intent that a very high percentage of a grantee's funds be paid to recipients as benefits or direct services to carry out the purpose of the statute.

A number of comments assumed that the regulatory definition would require expenditure of ninety percent of a grantee's funds for cash assistance and weatherization materials and ten percent for all other costs, and that as a consequence the subrecipients would not have the financial resources to properly or effectively operate their programs. These comments also contended that such an interpretation would hurt the most vulnerable clients, including the elderly and handicapped, and necessitate operation of LIHEAP as a centralized, "pass-through welfare program" and a subsidy for utility companies.

The LIHEAP statute imposes a strict limit on administrative costs. Our compliance reviews and review of audits demonstrate that most grantees are implementing their programs successfully within the statutory limit on administrative costs. A few grantees are not in compliance with this provision and may have to modify their programs to meet the statutory limitation on administrative costs or to fund the excess administrative cost from non-Federal funds. This is unavoidable

under the current statute. As noted in the preamble to the July 6, 1982 final regulation:

There is some indication that Congress intended that states use non-Federal funds to administer block grant programs where necessary. For example, section 2805(b)(9)(B) of the Act expressly requires that states use non-federal funds for planning and administering the low-income home energy assistance program where a state's costs for those activities exceed 10 percent of the state's allotment.

Several comments appeared to assume that only the costs of materials could be considered as non-administrative costs under the Low-Income Weatherization Assistance Program of the Department of Energy. As a matter of practice, the Department usually will not question the categorization of costs used by a grantee for weatherization under section 2805(k) when such funds are expended by a grantee under an approved Low-Income Weatherization Assistance Program plan—provided that such expenditures are otherwise consistent with the LIHEAP statute. (See our comments concerning § 96.86 of these regulations.)

Several local service providers assumed that the limit on administrative costs was imposed by regulation, rather than statute. They claimed that they could not properly operate energy assistance programs under this limitation. As previously indicated, the Department has no discretion to vary the limitation on administrative costs for states. Most States are operating within these limits and we do not believe that the statute has imposed an unreasonable limit. We have several activities under way to assist States and tribes to exchange information on ways to reduce administrative costs.

A number of comments cited dictionary definitions of "administration" as "management of affairs" in contesting the proposed definition. When a dictionary definition frequently is relevant to clarifying congressional intent, it must be considered in context with other relevant statutory and regulatory guidance.

Several comments contended that our definition of administrative costs would limit the resources available to prevent error, fraud, and abuse. As we indicated above, the limit on administrative funds is imposed by statute. Even though the statute imposes requirements on grantees that may necessitate the expenditure of additional funds, the Department does not have the legal authority to alter the amount available for administering LIHEAP.



A number of comments referred to certain other Federal programs or regulations and claimed that policies or regulations applicable to these programs supported the exclusion of the activities we cited in the proposed regulation from consideration as administrative costs. We contacted the Federal agency responsible for administering each of the programs cited in the comments, e.g., Job Training Partnership Act, Urban and Mass Transit Authority, Federal Highway Administration, Head Start, Medicaid, and Aid to Families with Dependent Children. Most of the programs cited are not cash assistance programs and therefore do not provide adequate basis for defining administrative costs. Under the AFDC program, which as a cash assistance program may be analogous to LIHEAP, the activities cited in the proposed rule—taking applications, determining eligibility and benefits, monitoring assistance provided—are, in fact, considered administrative costs.

Finally, we note that none of the comments cited grantee laws and procedures or administrative cost definitions in analogous State-funded assistance programs (e.g., general assistance) in support of the position that the functions cited in the proposed rule are administrative in nature. Section 96.30 clearly establishes that the laws and procedures that govern the use of a grantee's own funds will determine the appropriateness of the obligation and expenditure of block grant funds, unless those laws and procedures are inconsistent with the block grant statute or regulations. As we indicated earlier, in reviewing grantee compliance with the statutory limit on administrative costs, we will continue to rely substantially upon the laws and procedures of the grantee.

(b) *Administrative costs of territories and Indian tribes.* Experience has shown that each grantee incurs certain basic administrative costs in developing and implementing a LIHEAP program. The statute requires that each State limit these planning and administrative expenditures to no more than 10 percent of the funds payable to it and not transferred for use under other block grants. As the LIHEAP allotments to the States are substantial, the 10 percent ceiling on planning and administrative costs allows each State sufficient funds for these purposes.

Some tribes and territories, however, receive relatively small LIHEAP allotments and the flat 10 percent limitation on planning and administrative expenditures may not be sufficient to cover the basic costs of

developing and implementing their program. Accordingly, we have concluded that the 10 percent limitation on planning and administrative expenditures is not appropriate to tribal grantees. See 45 CFR 96.42(a). Similarly, with respect to certain territorial grantees, we have concluded that a different limitation on planning and administrative expenditures would, pursuant to 42 U.S.C. 8623(b)(2), be consistent with the statutory limitation on planning and administrative expenditures. Consequently, we are modifying the limitations on planning and administrative expenditures for tribal and territorial grantees. For tribal and territorial grantees whose funds payable are \$20,000 or less, the limitation on the cost of planning and administering the program is 20 percent of the funds payable under the LIHEAP program and not transferred for use under another block grant. For tribal and territorial grantees whose funds payable are over \$20,000, the limitation is \$4,000 plus 10 percent of the amount of the funds payable and not transferred that exceed \$20,000.

The revised limit is based upon estimates for costs associated with audit, personnel, plan development, and overhead. Audit costs considered the cost of an audit apportioned among Federal programs audited by a tribe under the Single Audit Act, allowing a minimum of \$300. Personnel costs were based on two hours of processing time per application at a salary of \$7 per hour. A figure equal to fifteen percent of personnel costs was allowed for overhead and costs associated with completing and submitting the grant application.

We received several comments suggesting that the administrative limitation be increased for all grantees or for all small grantees, including States. The administrative cost limitation is imposed on States by statute and the Secretary has no authority to waive any of the statutory provisions for States. The Department does have authority under the statute to define the rights and responsibilities of territories and Indian tribes.

We believe this regulation provides the increased flexibility necessary for small grantees to administer their LIHEAP programs.

#### SUBPART I—COMMUNITY SERVICES

##### Section 96.92 Termination of funding.

Section 675(c)(11) of the Community Services Block Grant Act, as added by section 203(a)(3) of Pub. L. 98-558, requires a State to provide assurances that it will not end present or future

funding of certain entities unless, after issuing notice of the proposed termination and affording an opportunity for a hearing on the record, the State determines that there is cause for terminating funding. Section 676A of the Community Services Block Grant Act, as added by section 203(d) of Pub. L. 98-558, further provides that upon request, the Secretary will review the record of the State's decision to terminate funding. If such a review is requested, the State's decision cannot take effect unless and until the Secretary confirms the State's finding of cause for terminating funding. The grantee has 30 days in which to request a review. The proposed regulation sets out these requirements and indicates that the Department will, upon request for a review of the State's determination, review the State's hearing record and confirm or reject the State's finding of cause for termination. Normally this will take 90 days from receipt of the request.

Several comments suggested that the regulation provide an opportunity for interested parties to make written comments to the Department on the State's final decision before the Department confirms or rejects the State's finding of cause. We have not changed the regulation in this regard. Affected parties will have an opportunity to provide information and their views to the State. This will be part of the State's hearing record and will be submitted to the Department by the State, if there is an appeal of the State's decision to terminate. We believe that the record will provide sufficient information to enable the Department to confirm or reject the State's finding of cause for termination and that the interests of the affected parties are adequately protected by Departmental review of that record.

#### SUBPART L—ALCOHOL AND DRUG ABUSE AND MENTAL HEALTH SERVICES BLOCK GRANT

##### Section 96.111 Earmarks.

Pub. L. 98-509 added, and Pub. L. 99-117 subsequently modified, two new earmark requirements to the alcohol and drug abuse and mental health services block grant. Section 1916(c)(14) requires States to use in fiscal year 1985 not less than three percent and in any other fiscal year not less than five percent of its total block grant allotment to initiate and provide new or expanded alcohol and drug abuse services for women. Section 1916(c)(15) requires that, of the amounts to be used in any fiscal year for mental health activities, a State shall



use at least 10 percent of such funds to initiate and provide (a) in fiscal year 1985 new comprehensive community mental health services for underserved areas or for underserved populations, with special emphasis on new mental health services for severely disturbed children and adolescents and (b) in any other fiscal year new or expanded services as set out in clause (a) above.

The conference report for Pub. L. 98-509 makes clear that each State should target earmarked services based on local needs. The legislative history of Pub. L. 99-117 expresses congressional intent to "allow the States somewhat more flexibility by allowing them to create new treatment opportunities through expansion of existing services as well as through the initiation of entirely new ones."

Consistent with the intent of Congress to allow the States flexibility in implementation of the law, the Department has determined that the baseline for deciding whether services are "new" or "expanded" is fiscal year 1984.

Using fiscal year 1984 as a baseline for determining whether services are "new" or "expanded" avoids cumulating the earmarks in fiscal years after fiscal year 1985. The negative aspects of such a cumulative effect are that over time an excessively large portion of a state's total allotment would be used to satisfy the two earmarks, thus significantly negating the extensive planning and public participation process the statute requires States to undertake in deciding how to spend their allotments and diminishing the State's flexibility in implementing the law.

#### Technical Corrections

The revision of § 96.2 indicates that, for each block grant program, the regulations apply to any entity defined as a "state" by the applicable block grant statutory provisions. This revision is intended to make clear that references to "states" apply to eligible territories and other non-State jurisdictions.

Section 96.16, Applicability of Title XVII of the Reconciliation Act, has been revised to add appropriate citations to the codification of the Act in the United States Code.

These rules also correct two citations in § 96.46(c) relating to funding applications from Indian tribes under the alcohol and drug abuse and mental health services block grant.

#### Executive Order 12291

The regulation implements a series of legislative changes which are minor or technical in nature. None will involve a

substantial cost. Therefore, this is not a major rule under Executive Order 12291.

#### Regulatory Flexibility Act

The Department of Health and Human Services certifies that this regulation will have no significant impact on a substantial number of small entities, small businesses, small organizational units, and small governmental jurisdictions. The rules principally affect state administration of block grant funds. States are not "small entities" for purposes of the Act, and the regulation would not have any substantial or significant effects on other entities.

One comment asserted that the regulation as proposed violates the requirements of Executive Order 12291 and the Regulatory Flexibility Act by not providing statements of the impact on local governments or small entities of the § 96.88 (LIHEAP administrative costs) of the proposed rule.

We disagree. The administrative cost limit is imposed by statute upon States. Neither the statute nor the regulation provide an express limit on the administrative costs incurred by subrecipients of the State. Furthermore, States are provided with substantial discretion as to how to structure their program so as to meet the 10 percent limit on administrative costs. This includes choosing service delivery mechanisms that have lower administrative costs and providing additional State funds to provide for administration of the program should they choose mechanisms that exceed the administrative limit imposed by the statute.

#### List of Subjects in 45 CFR Part 96

Administrative practice and procedure, Aged, Alcoholism, Child welfare, Community action program, Drug abuse, Energy, Grant programs-energy, Grant programs-health, Grant programs-Indians, Grant programs-social programs, Health, Indians, Investigations, Low and moderate income housing, Maternal and child health, Mental health programs, Public health, Reporting and recordkeeping requirements, Social Security.

For the reasons set forth in the preamble, Part 96 of Title 45 of the Code of Federal Regulations is amended as follows:

#### PART 96—[AMENDED]

1. The authority for Part 96 of Title 45 is revised to read as follows:

Authority: 42 U.S.C. 300w *et seq.*; 42 U.S.C. 300x *et seq.*; 42 U.S.C. 300y *et seq.*; 42 U.S.C. 701 *et seq.*; 42 U.S.C. 8621 *et seq.*; 42 U.S.C.

9901 *et seq.*; 42 U.S.C. 1397 *et seq.*; 31 U.S.C. 1243 *note.*

#### Subpart A—Introduction

2. In § 96.2, by adding a new paragraph (d) to read as follows:

##### § 96.2 Definitions.

(d) "State" includes the fifty states the District of Columbia and, as appropriate with respect to each block grant, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

#### Subpart B—General Procedures

3. By revising paragraph (a) introductory text and (a)(2) of § 96.14 to read as follows:

##### § 96.14 Time period for obligation and expenditure of grant funds.

(a) *Obligations.* Amounts unobligated by the State at the end of the fiscal year in which they were first allotted shall remain available for obligation during the succeeding fiscal year for all block grants except:

(2) *Low-income home energy assistance.* Amounts are available only in accordance with 42 U.S.C. 8626(b)(2)(B). From allotments for fiscal year 1982 through fiscal year 1984, a maximum of 25 percent may be held available for the following fiscal year. Beginning with fiscal year 1985, a maximum of 15 percent of the amount payable to a State and not transferred to another block grant according to 42 U.S.C. 8623(f) may be held available for the next fiscal year. No funds may be obligated after the end of the fiscal year following the year for which they were allotted.

4. By revising § 96.15 to read as follows:

##### § 96.15 Waivers.

Applications for waivers that are permitted by statute for the block grants should be submitted to the Assistant Secretary of Health in the case of the preventive health and health services, alcohol and drug abuse and mental health services, and maternal and child health services block grants; to the Director, Office of Community Services in the case of the community services block grant; and to the Assistant Secretary for Human Development Services in the case of the social services block grant. Beginning with



fiscal year 1986, the Secretary's authority to waive the provisions of 42 U.S.C. 8624(b) under the low-income home energy assistance program is repealed.

5. Section 96.16 is revised to read as follows:

**§ 96.16 Applicability of Title XVII of the Reconciliation Act (31 U.S.C. 7301-7305).**

This section interprets the applicability of the general provisions governing block grants set forth in Title XVII of the Reconciliation Act (31 U.S.C. 7301-7305):

(a) Except as otherwise provided in this section or unless inconsistent with provisions in the individual block grant statutes, 31 U.S.C. 7301-7305 apply to the community services, preventive health and health services, and alcohol and drug abuse and mental health services block grants.

(b) The requirement in 31 U.S.C. 7303(b) relating to public hearings does not apply to any of the block grants governed by this part. Instead, the provisions in the individual block grant statutes apply.

(c) The maternal and child health services block grant is not subject to any requirements of 31 U.S.C. 7301-7305.

(d) The social services and low-income home energy assistance programs are subject only to 31 U.S.C. 7304.

(e) The audit provisions of 31 U.S.C. 7305 have, in most cases, been overridden by the Single Audit Act, Pub. L. 98-502, 31 U.S.C. 75, et seq., and do not apply to the block grants. Pursuant to § 96.31(b)(2), certain entities may, however, elect to conduct audits under the block grant audit provisions. For entities making this election, the provisions of 31 U.S.C. 7305 apply to the community services block grant.

(f) The applicability of 31 U.S.C. 7303(a) relating to the contents of a report on proposed uses of funds is specified in § 96.10.

6. By adding a new § 96.17 to Subpart B to read as follows:

**§ 96.17 Annual and biennial reporting deadlines.**

Except for the low-income home energy assistance program activity reports, a State must make public and submit to the Department, each annual and biennial report required by statute:

(a) Within six months of the end of the period covered by the report; or

(b) At the time the State submits its application for funding for the Federal fiscal year which begins subsequent to the expiration of that six-month period.

These reports are required annually for preventive health and health services (42 U.S.C. 300w-5(a)(1)), alcohol and drug abuse and mental health services (42 U.S.C. 300x-5(a)(1)), and maternal and child health services (42 U.S.C. 706(a)(1)), and biennially for the social services block grant (42 U.S.C. 1397e(a)). See § 96.82 for requirements governing the submission of activity reports for the low-income home energy assistance program.

**Subpart C—Financial Management**

**§ 96.30 [Amended]**

7. By removing paragraph (b) of § 96.30 and removing the designation "(a)" from the first paragraph of that section.

8. By adding new § 96.31 to Subpart C to read as follows:

**§ 96.31 Audits.**

(a) *Fiscal periods beginning before January 1, 1985.* All block grant funds received in any grantee fiscal year beginning before January 1, 1985, are subject to the audit requirements set forth in each of the respective block grant statutes. Reports on the audit results for all fiscal years subject to this paragraph must be submitted to the Department within one year of the date of publication of this rule.

(b) *Fiscal periods beginning on or after January 1, 1985.* (1) Each State, local government, and Indian tribe or tribal organization that receives \$100,000 or more (during the grantee's fiscal year) in all types of Federal financial assistance provided through the block grants and all other Federal programs must conduct an audit in accordance with the Single Audit Act, Pub. L. 98-502, 31 U.S.C. 75 et seq. The Office of Management and Budget has implemented the Single Audit Act through publication of OMB Circular A-128, which is set out in full at 45 CFR Part 74, Appendix J of the Department's Grant Administration Regulations. Grantees must comply with the requirements of 45 CFR Part 74, Appendix J.

(2) Each State, local government, or Indian tribe or tribal organization that receives at least \$25,000 and less than \$100,000 in total Federal financial assistance from all sources must, at its option, audit block grant funds under either the Single Audit Act or the separate audit requirements set out in each respective block grant statute (or, in the case of the community services block grant, the requirements in 31 U.S.C. 7305). Any audit that is conducted under the block grant audit requirements must be conducted in accordance with

standards that are consistent with the Comptroller General's standards for the audit of governmental organizations, programs, activities, and functions. Reports on the results of any such audit must be submitted to the Department within one year of the date of publication.

(c) *Submission of audit reports.* Reports of audits conducted under either the Single Audit Act or the block grant statutes shall, if required to be submitted to the Department, be submitted to the Regional Inspector General for Audit responsible for the Federal region in which the block grant recipient is located.

9. By adding new § 96.32 to Subpart C to read as follows:

**§ 96.32 Financial settlement.**

The State must repay to the Department amounts found after audit resolution to have been expended improperly. In the event that repayment is not made voluntarily, the Department will undertake recovery.

10. By adding new § 96.33 to Subpart C to read as follows:

**§ 96.33 Referral of cases to the Inspector General.**

State or tribal officials who have information indicating the commission or potential commission of fraud or other offenses against the United States involving block grant funds should promptly provide the information to the appropriate Regional Office of Investigations of the Department's Office of the Inspector General.

**Subpart D—Direct Funding of Indian Tribes and Tribal Organizations**

11. By revising § 96.42(e) to read as follows:

**§ 96.42 General procedures and requirements.**

(e) Beginning with fiscal year 1983, any request by an Indian tribe or tribal organization for direct funding by the Secretary must be submitted to the Secretary, together with the required application and related materials, by September 1 preceding the Federal fiscal year for which funds are sought. A separate application is required for each block grant. After the September 1 deadline, tribal applications will be accepted only with the concurrence of the State (or States) in which the tribe or tribal organization is located.

12. By amending § 96.44 to add paragraph (e)(4) to read as follows:



**§ 96.44 Community services.**

(e) \* \* \*

(4) Section 675(c)(11) (42 U.S.C. 9904(c)(11)).

13. By adding new paragraph (f) to § 96.44 to read as follows:

**§ 96.44 Community services.**

\* \* \*

(f) In each fiscal year, Indian tribes and tribal organizations may expend for administrative expenses—comparable to the administrative expenses incurred by State at the State level—an amount not to exceed the greater of the amounts determined by: (1) Multiplying their allotment under section 674 of the Reconciliation Act (42 U.S.C. 9903) by five percent; or (2) multiplying the allotment by the percentage represented by the ratio of \$55,000 to the smallest State allotment (excluding territorial allotments) for that fiscal year.

14. By revising § 96.46(c) to read as follows:

**§ 96.46 Alcohol and drug abuse and mental health services.**

\* \* \*

(c) An Indian tribe or tribal organization is not required to comply with section 1916(b) (42 U.S.C. 300x-5(b)) or to provide the certifications required by section 1916(c)(2) through (8) and (13) through (15) of the Public Health Service Act (42 U.S.C. 300x-4 (c)(2) through (c)(8) and (c)(13) through (c)(15)). Also, the service identified in section 1915(a)(1) (42 U.S.C. 300x-3 (a)(1)) need not be provided by means of grants to community mental health centers.

**Subpart E—Enforcement**

15. By revising § 96.50(b) to read:

**§ 96.50 Complaints.**

\* \* \*

(b) Complaints with respect to the health block grants must be submitted in writing to either the Assistant Secretary for Health or for the preventive health and health services block grant, the Director, Centers for Disease Control; for the alcohol and drug abuse and mental health services block grant, the Administrator, Alcohol, Drug Abuse, and Mental Health Administration; for the maternal and child health services block grant, the Administrator, Health Resources and Services Administration. Complaints with respect to the social services block grant must be submitted in writing to the Assistant Secretary for Human Development Services. Complaints with respect to the low-income home energy assistance program and the community services block grant must be submitted in writing to the

Director, Office of Community Services. (The address for the Director, Center for Disease Control is 1600 Clifton Road, NE., Atlanta, Georgia 30333. For each of the other officials cited above the address is 200 Independence Avenue SW., Washington, DC 20201.) The complaint must identify the provision of the act, assurance, or certification that was allegedly violated; must specify the basis for the violations it charges; and must include all relevant information known to the person submitting it.

\* \* \*

16. By revising paragraph (a) of § 96.51 to read as follows:

**§ 96.51 Hearings.**

(a) The Department will order a State to repay amounts found not to have been expended in accordance with law of the certifications provided by the State only after the Department has provided the state notice of the order and an opportunity for a hearing. Opportunity for a hearing will not be provided, however, when the State, in resolving audit findings or at another time, has agreed that the amounts were not expended in accordance with law or the certifications. The hearing will be governed by Subpart F of this part and will be held in the State if required by statute.

\* \* \*

**Subpart H—Low-Income Home Energy Assistance Program**

17. By revising § 96.81 to read:

**§ 96.81 Reallocation report.**

As a part of the reallocation procedure established by 42 U.S.C. 8626, beginning with funds to be held available for fiscal year 1986, each recipient of funds must submit a report to the Secretary by August 1 of each year containing the following information.

(a) The amount of funds that the State desires remain available for obligation in the succeeding fiscal year, not to exceed 15 percent of the funds payable to the State and not transferred pursuant to 42 U.S.C. 8623(f);

(b) A statement of the reasons that this amount to remain available will not be used in the fiscal year for which it was allotted;

(c) A description of the types of assistance to be provided with the amount held available; and

(d) The amounts of funds, if any, to be subject to reallocation.

(Approved by the Office of Management and Budget under control Number 0960-0446)

18. Section 96.82 is revised to read as follows:

**§ 96.82 Required report.**

In accordance with 42 U.S.C. 8629(a), each State receiving funds shall submit to the Department by October 31 of each year a report of:

(a) The number and income levels of the households assisted by LIHEAP funds during the preceding fiscal year; and

(b) The number of households assisted by LIHEAP funds during the preceding fiscal year that contain one or more individuals who are 60 years or older and the number which contain one or more individuals who are handicapped.

(Approved by the Office of Management and Budget under control Number 0960-0446)

**§ 96.83 [Removed]**

19. Part 96 is amended by removing § 96.83.

20. By adding a new § 96.86 to read as follows:

**§ 96.86 State plans.**

The assurances in section 2605(b) of Pub. L. 97-35, as

The assurances in section 2605(b) of Pub. L. 97-35, as amended, pertain to all forms of assistance provided by the State.

21. By adding a new § 96.87 to Subpart H to read as follows:

**§ 96.87 Prevention of waste, fraud and abuse.**

States and Indian tribes must establish appropriate systems and procedures to prevent, detect and correct waste, fraud and abuse in activities funded under the low-income home energy assistance program. The systems and procedures are to address possible waste, fraud and abuse by clients, vendors and administering agencies.

22. By adding a new § 96.88 to Subpart H to read as follows:

**§ 96.88 Administrative costs.**

(a) *Costs of planning and administration.* Any expenditure for governmental functions normally associated with administration of a public assistance program must be included in determining administrative costs subject to the statutory limitation on administrative costs, regardless of whether the expenditure is incurred by the State, a subrecipient, a grantee, or a contractor of the State.

(b) *Administrative costs for territories and Indian tribes.* For Indian tribes, tribal organizations and territories with allotments of \$20,000 or less, the limitation on the cost of planning and administering the low-income home



energy assistance program shall be 20 percent of funds payable and not transferred for use under another block grant. For tribes, tribal organizations and territories with allotments over \$20,000, the limitation on the cost of planning and administration shall be \$4,000 plus 10% of the amount of funds payable (and not transferred for use under another block grant) that exceeds \$20,000.

#### Subpart I—Community Services Block Grant

23. By adding a new § 96.92 to Subpart I to read as follows:

##### § 96.92 Termination of funding.

Where a state determines pursuant to section 675(c)(11) of the Community Services Block Grant Act that it will terminate present or future funding of any community action agency or migrant and seasonal farmworker organization which received funding in the previous fiscal year, the State must provide the organization with notice and an opportunity for hearing on the record prior to terminating funding. If a review by the Secretary of the State's final decision to terminate funding is requested pursuant to section 676A, the request must be made in writing, within 30 days of notification by the State of its final decision to terminate funding. The Department will confirm or reject the State's finding of cause, normally within 90 days. If a request for a review has been made, the State may not discontinue present or future funding until the Department confirms the State's finding of cause. If no request for a review is made within the 30-day limit, the State's decision will be effective at the expiration of that time.

24. A new Subpart L consisting of §§ 96.110 and 96.111 is added to read as follows:

#### Subpart L—Alcohol and Drug Abuse and Mental Health Services Block Grant

##### § 96.110 Scope.

This subpart applies to the alcohol and drug abuse and mental health services block grant.

##### § 96.111 Earmarks.

For the purposes of determining whether a state has initiated a new or expanded service within the meaning of the earmarks set out in sections 1916(c)(14) and 1916(c)(15) of the Public Health Service Act, a service will be considered "new" or "expanded" to the

extent that it exceeds funds expended by the state in fiscal year 1984.

Otis R. Bowen,

Secretary.

Dated: October 6, 1987.

[FR Doc. 87-23550 Filed 10-9-87; 8:45 am]

BILLING CODE 4150-04-M

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 31

[CC Docket No. 79-105; RM-3017; FCC 87-221]

#### Uniform System of Accounts for Class A and Class B Telephone Companies

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order vacating decision.

SUMMARY: The order vacates the Commission decision in 92 FCC 2d 864 (1983), published on January 19, 1983, 48 FR 2324 that held that Communications Act of 1934 did not permit State regulatory commissions to require telephone companies to use depreciation methods and rates that are different from those we prescribe for the same equipment unless we had expressly granted exemptions from this requirement for those companies, or, alternatively, that use of different depreciation methods and rates by state commissions would frustrate the goals we sought to achieve when we adopted new depreciation policies. This action is taken to comply with the decision of the United States Supreme Court that reversed the decision of the Fourth Circuit that affirmed the Commission Order, holding that the Communications Act "denies the FCC the power to preempt state regulation of depreciation for intrastate ratemaking purposes." *Louisiana Public Service Comm'n v. FCC*, 106 S. Ct. 1890, 1901 (1986).

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Douglas Slotten, Common Carrier Bureau, Policy and Program Planning Division, 202-632-9342.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-23590 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

##### 47 CFR Part 73

[MM Docket No. 86-223; RM-5083]

#### Radio Broadcasting Services; Crosby, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allocates FM Channel 269A to Crosby, Minnesota, in response to a petition filed by William L. Connor. The allocation could provide Crosby with its first FM broadcast service. There is a site restriction 7.9 kilometers northeast of the community for the allocation of Channel 269A at Crosby. Canadian concurrence has been obtained since Crosby is within 320 kilometers of the common U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective November 23, 1987; The window period for filing applications will open on November 24, 1987, and close on December 24, 1987.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 86-223, adopted September 11, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC. 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

##### § 73.202(b) [Amended]

2. Section 73.202(b), the Table of FM Allotments is amended under Minnesota, by adding Channel 269A to Crosby.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23593 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M



**47 CFR Part 73**

[MM Docket No. 86-356; RM-5351 and RM-5644]

**Radio Broadcasting Services; Webb City and Ash Grove, MO****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This document allocates FM Channel 236A to Webb City, Missouri, in response to a petition filed by Don Stubblefield, as that community's second FM broadcast service. We shall also allocate FM Channel 281A to Ash Grove, Missouri, in response to a counterproposal filed by Hooter Exploration Company in this proceeding. The allotment could provide a first local service to Ash Grove. There is a site restriction 12.1 kilometers southwest of the community. With this action, this proceeding is terminated.

**DATES:** Effective November 23, 1987; the window period for filing applications will open on November 24, 1987, and close on December 24, 1987.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 86-356, adopted September 4, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. In § 73.202(b), the Table of FM Allotments is amended under Missouri by adding FM Channel 236A to Webb City and FM Channel 281A to Ash Grove.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23594 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 86-469; RM-5485; 5759; 4760; 5761]

**Radio Broadcasting Services; Hilton Head Island, Bluffton, SC; Darien, GA****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This document allocates Channel 299C2 to Darien, Georgia, as the community's first local FM service, at the request of Clarence E. Jones. Channel 299C2 can be allocated to Darien in compliance with the Commission's minimum distance separation requirements with a site restriction of 23.9 kilometers (14.8 miles) southwest to avoid a short-spacing to the proposed substitution of Channel 300C2 at Hilton Head Island at the transmitter site used jointly by Station WHHR, Channel 292A, Hilton Head Island, Jesse N. Williams, permittee of a new station on Channel 288A at Hilton Head Island, and Dohara Associates, Inc., permittee of Station WLOW, Channel 296A, Bluffton. The proposals to substitute Channels 291C2 and 300C2 for Channels 288A and 292A, respectively, at Hilton Head and the modification of the license of Station WHHR and the construction permit of Jesse N. Williams to specify either of the Class C2 channels as well as the substitution of Channel 293C2 or 295C for Channel 296A of Bluffton, South Carolina, and the modification of the permit of Station WLOW to specify either higher powered channel will be the subject of a *Further Notice of Proposed Rule Making* in this docket.

**DATES:** Effective November 23, 1987. The window period for filing applications for Channel 299C at Darien will open on November 24, 1987, and close on December 24, 1987.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's First Report and Order, MM Docket No. 86-469, adopted August 28, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC

Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

**List of Subjects in 47 CFR Part 73**

Radio broadcasting.

**PART 73—[AMENDED]**

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

**§ 73.202 [Amended]**

2. Section 73.202(b), the FM Table of Allotments of Georgia is amended by adding the entry of Darien, Channel 299C2.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23592 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 87-91; RM-5678]

**Radio Broadcasting Services; Sunderland, VT****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 236A to Sunderland, Vermont, as that community's first FM service, at the request of Brian Dodge. The original petitioner, Timothy Dodge, failed to file comments in this proceeding. A site restriction of 2.4 kilometers (1.5 miles) northwest of the city is required. Concurrence of the Canadian government has been obtained. With this action, this proceeding is terminated.

**DATES:** Effective November 23, 1987; the window period for filing applications will open on November 24, 1987, and close on December 24, 1987.

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 87-91, adopted September 11, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC



Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, in the entry for Sunderland, Vermont, Channel 236A is added.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23595 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-41; RM-5608]

#### Radio Broadcasting Services; Lindsides, WV

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** This document allots Channel \*294A to Lindsides, West Virginia, as that community's first FM service and reserves it for noncommercial educational use, at the request of Monroe County (West Virginia) Board of Education. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** November 23, 1987.

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order, MM Docket No. 87-41, adopted September 4, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, in the entry for Lindsides, West Virginia, Channel \*294A is added.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23596 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 86-32; RM-5217]

#### Radio Broadcasting Services; Aiken, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Amici Broadcasting Company, Inc., lifts the stay of the effectiveness of the substitution of Channel 242C2 for Channel 240A at Aiken, South Carolina, and the modification of its license for Station WJFX-FM to specify the higher powered channel. The stay was brought about automatically by the receipt of a petition for reconsideration which was published in the Federal Register on August 17, 1987 (52 FR 30734).

**EFFECTIVE DATE:** October 13, 1987.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Order, MM Docket No. 86-32, adopted September 10, 1987, and released October 2, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Federal Communications Commission.

Bradley P. Holmes,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23424 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### INTERSTATE COMMERCE COMMISSION

#### 49 CFR Part 1039

[Ex Parte No. 346 (Sub-No. 19A)]

#### Delaware Otsego Corp.; Petition for Exemption; Boxcar Provisions

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

**SUMMARY:** The Commission adopts a proposed amendment to its boxcar exemption and rules stating that seven named Class III railroads will no longer be regarded as Class III or unaffiliated Class II carriers for the purpose of the exemption and rules. The seven railroads and Delaware Otsego Corporation, which controls them, asked that they not be afforded the special treatment for Class III and unaffiliated Class II carriers contained in the exemption and rules. The effect of the adopted amendment will be to exempt boxcar traffic transported by the seven railroads from joint rate regulation, to enable them to exercise the empty car provisions of the rules, and to allow other carriers to exercise the empty car provisions with respect to the cars of the seven railroads.

**EFFECTIVE DATE:** November 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 275-7245. [TDD for hearing impaired: (202) 275-1721].

**SUPPLEMENTARY INFORMATION:** In a decision served August 11, 1987, the Commission proposed to grant a request by Delaware Otsego Corporation and the seven Class III railroads that it controls to remove these railroads from the special provisions for small carriers contained in our boxcar exemption and rules (49 CFR 1039.14). An amendment to the boxcar exemption and rules to carry out this request was published as a proposed rule August 12, 1987, at 52 FR 29873 and a 20-day period ending September 1, 1987, was allowed for comments.

No comments have been received. Therefore, the amendment is adopted as proposed, for the reasons stated in our decision served August 11, 1987. Copies of that decision are available from the Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423, or call (202) 275-7428.

This action will not significantly affect either the quality of the human environment or energy conservation.



**List of Subjects in 49 CFR Part 1039**

Agricultural commodities, Intermodal transportation, Railroads.

For the reasons set out in the preamble and explained fully in the decision, Part 1039 of Title 49, Code of Federal Regulations, is amended as set forth below:

**PART 1039—CONTRACTS AND EXEMPTIONS**

1. The authority citation for Part 1039 continues to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10713, 10762, 11105, and 11122; and 5 U.S.C. 553.

2. Section 1039.14 is amended by adding paragraph (c)(6) as follows:

**§ 1039.14 Boxcar transportation exemption and rules.**

\* \* \* \* \*

(c) \* \* \*

(6) The following carriers are not regarded as Class III or unaffiliated Class II carriers for the purpose of this section:

Central New York Railroad Corporation, Cooperstown and Charlotte Valley Railway Corporation, Fonda, Johnstown & Gloversville Railroad Corporation, Lackawaxen and

Stourbridge Railroad Corporation, New York, Susquehanna & Western Railway Corporation, Rahway Valley Railroad Company, Staten Island Railway Corporation.

\* \* \* \* \*

Decided: October 2, 1987.

By the Commission, Chairman Gradison, Vice Chairman Lamboley, Commissioners Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-23577 Filed 10-9-87; 8:45 am]

BILLING CODE 7035-01-M



# Proposed Rules

Federal Register

Vol. 52, No. 197

Tuesday, October 13, 1987

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Farmers Home Administration

#### 7 CFR Part 1944

#### Revision of Section 502 Rural Housing Loan Policies, Procedures and Authorizations

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Advance notice of proposed rule.

**SUMMARY:** The Farmers Home Administration (FmHA) is considering whether to propose a revision of its policies for issuance of Conditional Commitments in the Single Family Rural Housing (RH) loan program. This action is being considered in order to reduce the cost of housing by enabling builders to better control their costs including holding time. The agency is soliciting comments from interested parties in the development of a regulation for this purpose.

**DATES:** Comments must be received on or before November 12, 1987.

**ADDRESSES:** Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6348, South Agriculture Building, 14th and Independence Avenue, SW., Washington DC 20250. All written comments will be available for public inspection during regular working hours at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Michael S. Feinberg, Senior Loan Specialist, at Farmers Home Administration, USDA, Room 5334-S, South Agriculture Building, 14th and Independence SW., Washington, DC 20250, Telephone (202) 382-1474.

**SUPPLEMENTARY INFORMATION:** The Farmers Home Administration (FmHA) is considering a revision to its regulations that will enable builders, dealer-contractors and sellers of modest dwellings to apply for and receive

"firm" conditional commitments for financing from FmHA. The agency will propose to actually set aside loan funds to finance a certain dwelling that FmHA has determined to be acceptable under the 502 program for qualified applicants. We believe that this action will help reduce costs by reducing the builder's, dealer-contractor's or seller's holding time.

The agency is considering two different methods of implementing this approach. The first method would involve a specific allocation of funds for these commitments. A competitive bidding process in which the competitors would make a proposal to the agency to provide housing at a significant savings to the potential homeowner. The agency would evaluate the proposals and award a commitment to the best bidder.

The agency invites comments on this and, specifically, invites suggestions answering the following questions:

What criteria should be used to compare the bids made under this proposal?

Given limited availability of loan funds, should FmHA attempt to limit the number of commitments to any one bidder and if so, how should this be done?

A second approach would allow any potential seller of a dwelling to be financed under the FmHA program to apply for a conditional commitment for financing. The difference between this approach and the present method is that FmHA would now reserve funds for a certain period of time for those properties under a conditional commitment.

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons set forth in the final rule related notice to 7 CFR Part 3015, Subpart V, 48 FR 29115, June 24, 1983, this program/activity is excluded from the scope of Executive Order 12372. This action does not directly affect any FmHA programs or projects which are subject to intergovernmental consultation.

Date October 2, 1987.

Vance L. Clark,  
Administrator, Farmers Home  
Administration.

[FR Doc. 87-23567 Filed 10-9-87; 8:45 am]

BILLING CODE 3410-07-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 971

[Docket No. 50712-7186]

#### Deep Seabed Mining; Supplemental Proposed Regulations for Commercial Recovery and Revision of Regulations for Exploration

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Extension of comment period for supplemental proposed rule.

**SUMMARY:** Public Law 96-283, the Deep Seabed Hard Mineral Resources Act (the Act), authorizes the Administrator of the National Oceanic and Atmospheric Administration (NOAA) to issue to eligible United States citizen applicants, licenses for exploration for and permits for the commercial recovery of deep seabed hard mineral resources. The Act also requires that NOAA issue regulations with respect to deep seabed mining licenses and permits.

On July 25, 1986, at 51 FR 26794, NOAA proposed regulations to govern commercial recovery activities of U.S. citizens, and to consolidate parts of the exploration regulations. After review of the public comments on the regulations, NOAA determined that several proposed modifications were sufficiently different from the proposed rule to warrant additional opportunity for public comment prior to promulgation of final regulations. Supplemental proposed regulations were published on September 14, 1987, at 52 FR 34748, seeking further public comment on these provisions.

In order to provide additional time for potential commentors to examine the supplemental proposed rules, NOAA is extending the comment period from October 29, 1987, to November 13, 1987.

**DATE:** Comments must be received on or before November 13, 1987.

**ADDRESS:** Submit comments to Ocean Minerals and Energy Division, Office of Ocean and Coastal Resource Management, National Ocean Service, NOAA, 1825 Connecticut Avenue, NW., Suite 710, Washington, D.C. 20235.



**FOR FURTHER INFORMATION CONTACT:**

James P. Lawless, Chief, Ocean Minerals and Energy Division (202) 673-5121, or John W. Padan, Program Manager, Deep Seabed Mining, (202) 673-5117, at the above address.

James P. Blizzard,

Acting Director, Office of Ocean and Coastal Resource Management.

[FR Doc. 87-23588 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-12-M

**DEPARTMENT OF LABOR****Occupational Safety and Health Administration****29 CFR Part 1910****Hazardous Waste Operations and Emergency Response**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Department of Labor

**ACTION:** Proposed rules; changes in hearing location and schedule.

**SUMMARY:** This notice announces changes in one of the hearing locations for the hearings on the proposed standard for Hazardous Waste Operations and Emergency Response (50 FR 29620; August 10, 1987). The hearing scheduled for San Francisco, California, October 27-30, 1987, has been changed to Seattle, Washington, October 27 and 28, 1987, at the address below. Notices of intention to appear were due September 21, 1987. All parties who filed a notice requesting to testify in San Francisco have been rescheduled to testify in Seattle and are being notified individually of the date.

Alternatively, parties who filed a notice of intention to appear in San Francisco may choose to testify in Washington, DC, on October 20 or 21, 1987, by notifying Mr. Thomas Hall or Ms. Theresa Berry by telephone or letter at the address below by October 16, 1987. As a second alternative such parties may submit their testimony in writing to the Docket Office by October 30, 1987. Such parties will continue to have the right to file post hearing comments.

The Washington, DC, hearings commence as scheduled October 13, 1987. Parties who timely filed notices of intention to appear in Washington, DC, are being notified of the date scheduled for their testimony by mail. The hearing period has been shortened from October 13-16 and 20-22, 1987 to October 13-16 and 20-21, 1987. It should be noted that notices of intention to appear were due September 21, 1987, and comments and

written copies of testimony longer than 10 minutes were due October 5, 1987. This notice does not change those dates.

**Dates:** 1. The informal public hearings will begin at 9:30 a.m. and are scheduled as follows:

October 13-16 and 20-21, 1987, at Washington, DC; October 27-28, 1987, at Seattle, Washington;

Or until the completion of testimony at each location.

2. Requests to change location of testimony from Seattle, Washington, to Washington, DC, must be made by October 16, 1987.

**Addresses:** 1. The informal public hearings will be held in the following locations:

a. Washington, DC—Frances Perkins Department of Labor Building Auditorium, 3rd St., and Constitution Avenue NW., Washington, DC 20210.

b. Seattle, Washington—Stouffer-Madison Hotel, 515 Madison St., Seattle, Washington 98104. Tel. (206) 583-0300.

2. Docket Office, Docket No. S-760A, Occupational Safety and Health Administration, Room N-3670, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

3. Requests to change location of testimony from Seattle, Washington, to Washington, DC—Mr. Thomas Hall or Ms. Theresa Berry, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N-3649, 200 Constitution Avenue NW., Washington, DC 20210. Tel. (202) 523-8615.

**FOR FURTHER INFORMATION CONTACT:** Proposed Rule: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8151.

Public Hearing: Mr. Thomas Hall, U.S. Department of Labor, Occupational Safety and Health Administration, Division of Consumer Affairs, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8615.

Signed at Washington, DC, this 7th day of October, 1987.

John A. Pendergrass,  
Assistant Secretary of Labor.

[FR Doc. 87-23664 Filed 10-9-87; 8:45 am]

BILLING CODE 4510-26-M

**VETERANS ADMINISTRATION****38 CFR Part 36****Loan Guaranty; Collection of Late Fees and Interest Penalties on VA Funding Fees**

**AGENCY:** Veterans Administration.

**ACTION:** Proposed regulatory amendments.

**SUMMARY:** Veterans Administration (VA) is proposing to amend its loan guaranty regulations (38 CFR Part 36) to provide for timely collection and deposit of loan guaranty funding fees. These proposed regulatory amendments enable the VA to bring its loan guaranty program into conformance with other Federal loan programs.

**DATES:** Comments must be received on or before November 12, 1987. Comments will be available for public inspection until November 27, 1987. The VA proposes to make these regulatory amendments effective 30 days after publication of the final regulation.

**ADDRESSES:** Interested persons are invited to submit written comments, suggestions or objections regarding this proposal to the Administrator of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, Room 132, of the above address between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays) until November 27, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mr. George Moerman, Assistant Director for Loan Policy (264), Loan Guaranty Service, Department of Veterans Benefits, (202) 233-3042.

**SUPPLEMENTARY INFORMATION:** The VA recently amended its procedures to require the submission of VA-guaranteed home loan funding fees within 15 days from the date of loan closing by means of a lockbox depository. This 15-day limit changed the requirement under which lenders did not have to send the funding fee until they submitted the loan for a guaranty, which has to be done within 60 days of loan closing. Under these proposed regulatory amendments, lenders submitting funding fees more than 15 days after the loan closing will be charged a late fee equal to 4 percent of the total funding fee. If payment of the funding fee is submitted more than 30 days after loan closing interest will be levied at a percentage rate set in conformity with the Department of Treasury's Fiscal Requirements Manual and announced quarterly in the Federal Register. The interest charge is not included in the amount on which interest is computed. This interest charge is to be calculated on a daily basis beginning on the date of closing, although the interest will be assessed



only on funding fee payments received more than 30 days after closing.

The use of a lockbox depository, designated by the Administrator of Veterans Affairs, provides a reasonable expeditious cash management alternative to the current procedure. Assessment of late fees and interest charges against lenders who fail to submit funding fees through this lockbox depository in the required time frame will encourage the timely deposits of loan guaranty funding fees and allow them to be deposited in the government's account earlier than is presently done.

The Loan Guaranty Revolving Fund (LGRF) is used to finance loan guaranty program operations. Revenue and receipts of the fund consist primarily of interest income, funding fees, cash proceeds from the sale of real property acquired from foreclosure on defaulted loans, and resulting payments made on mortgages issued incident to the sale of acquired properties. The fund's expenses or outlays are mainly to honor VA liabilities under guaranty agreements and to acquire properties. The fund's expenses or outlays are mainly to honor VA liabilities under guaranty agreements and to acquire properties resulting from loan defaults when to do so decreases the VA's liabilities.

In recent years, the revolving fund's expenses have exceeded revenue due to increases in loan defaults and foreclosures. As a result, VA, with congressional approval, has had to reprogram funds from the Direct Loan Revolving Fund to the LGRF: \$300 million in fiscal year 1983; \$230 million in fiscal year 1984, and \$100 million in fiscal year 1987 to date. In addition, in fiscal years 1984, 1985 and 1986, when there were insufficient funds in the Direct Loan Revolving Fund due to program cutbacks, direct appropriations were made to the LGRF: \$180 million in fiscal year 1984, \$306.6 million in fiscal year 1985 and \$200 million in fiscal year 1986.

In order to lessen the need for reprogramming of funds and increasing the LGRF authorization, a funding fee on VA loans was enacted with the passage of the Omnibus Budget Reconciliation Act of 1982 (38 U.S.C. 1829). This Act provided in part that with certain exceptions, a fee, later raised to 1 percent of the total loan amount, was to be collected from each veteran obtaining a housing loan guaranteed, made, or insured. The fees collected were to be deposited into the U.S. Treasury under miscellaneous receipts effective for loans closed October 1, 1982, through September 30, 1985. Exempt from the fee

are eligible beneficiaries entitled to disability compensation benefits.

In addition to increasing the funding fee from one-half percent to 1 percent effective on loans closed on or after August 17, 1984, the Deficit Reduction Act of 1984 extended the funding fee program through September 30, 1987, and the collection of funding fees was extended to individuals obtaining a vendee loan (purchase of a VA acquired property with VA provided financing). A significant change to the program was brought about with the depositing of all funding fees directly to the LGRF instead of a Treasury general receipts account. This made the funds collected readily available to the VA Loan Guaranty Program without having to make a supplemental appropriation request or borrow from the U.S. Treasury.

Previously, VA loan guaranty procedures allowed lenders up to 60 days from the loan closing or settlement date to remit loan funding fees to the VA. In addition to Federal interest savings, adoption of an existing Federal delinquent payment policy should improve collection timeliness and result in income from interest and penalty charges of about \$800,000 during the next three years of the program.

The Administrator hereby certifies that these proposed regulatory amendments, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601 through 612. The provision concerning the assessment of late fees and interest against lenders will affect lenders only in those cases in which the lender fails to take timely action to deposit the funding fee through lockbox depository. To prevent this from occurring, prudent loan guaranty practice dictates that the VA assess late fees and interest. Use of a lockbox depository and assessment of these late fees and interest will also assure that the VA Loan Guaranty Program is consistent with similar Federal loan programs. As only a relatively small percentage of VA guaranteed loans are held by small entities, these proposed regulatory amendments will not significantly affect small entities. Pursuant to 5 U.S.C. 605(b), these proposed regulatory amendments are exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The VA has determined that these proposed regulatory amendments are not a "major rule" within the meaning of Executive Order 12291. They will not have an annual effect on the economy of \$100 million or more, and will not cause

a major increase in costs or prices for consumers or individual industries; nor will they have other significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance Program Numbers are 64.114 and 64.119.

#### List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing loan program-Housing and community development, Manufactured homes, Veterans.

These proposed regulatory amendments are proposed under the authority granted the Administrator by 38 U.S.C. 210(c), 1820, and 1829.

Approved: September 16, 1987.

Thomas K. Turnage,  
Administrator.

#### PART 36—[AMENDED]

38 CFR Part 36, Loan Guaranty, is proposed to be amended as follows:

1. In § 36.4254 paragraph (d) is revised to read as follows:

#### § 36.4254 Fees and charges.

(d)(1) Notwithstanding the provisions of paragraph (c) of this section and subject to the limitations set out in paragraphs (d)(3) and (d)(4) of this section, a fee of 1 percent of the total loan amount must be paid to the Administrator before a combination manufactured home and lot loan (or a loan to purchase a lot upon which a manufactured home owned by the veteran will be placed) will be eligible for guaranty. All or part of such fee may be paid in cash at loan closing or all or part of the fee may be included in the loan without regard to the reasonable value of the property or the computed maximum loan amount, as appropriate. In computing the fee, the lender will disregard any amount included in the loan to enable the borrower to pay such fee.

(Authority: 38 U.S.C. 1829(a))

(2) The lender is required to pay to the Administrator the fee described in paragraph (d)(1) of this section within 15 days after loan closing. Any lender closing a loan, subject to the limitations set out in paragraphs (d)(3) and (d)(4) of this section, who fails to submit timely payment of this fee will be subject to a late charge equal to 4 percent of the total fee due. If payment of the 1 percent fee is made more than 30 days after loan



closing, interest will be assessed at a rate set in conformity with the Department of Treasury's Fiscal Requirements Manual. This interest charge is in addition to the 4 percent late charge, but the late charge is not included in the amount on which interest is computed. This interest charge is to be calculated on a daily basis beginning on the date of closing, although interest will be assessed only on funding fee payments received more than 30 days after closing.

(Authority: 38 U.S.C. 210(c))

(3) The fee described in paragraph (d)(1) of this section shall not be collected from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) nor from a surviving spouse described in section (b)(2) of Title 38, United States Code.

(Authority: 38 U.S.C. 1829(b))

(4) Collection of the loan fee in this paragraph does not apply to loans closed prior to August 17, 1984, or to loans closed after September 30, 1987.

(Authority: 38 U.S.C. 1829(c))

2. In § 36.4312, paragraph (e) is revised to read as follows:

**§ 36.4312 Charges and fees.**

(e)(1) Subject to the limitations set out in paragraphs (e)(3) and (e)(4) of this section, a fee of 1 percent of the total loan amount must be paid to the Administrator before a home or condominium loan will be eligible for guaranty or insurance. All or part of such fee may be paid in cash at loan closing or all or part of the fee may be included in the loan without regard to the reasonable value of the property or the computed maximum loan amount, as appropriate. In computing the fee, the lender will disregard any amount included in the loan to enable the borrower to pay such fee.

(Authority: 38 U.S.C. 1829(a))

(2) The lender is required to pay to the Administrator the fee described in paragraph (e)(1) of this section within 15 days after loan closing. Any lender closing a loan, subject to the limitations set out in paragraphs (e)(3) and (e)(4) of this section, who fails to submit timely payment of this fee will be subject to a late charge equal to 4 percent of the total fee due. If payment of the 1 percent fee is made more than 30 days after loan closing, interest will be assessed at a rate set in conformity with the Department of Treasury's Fiscal Requirements Manual. This interest

charge is in addition to the 4 percent late charge, but the late charge is not included in the amount on which interest is computed. This interest charge is to be calculated on a daily basis beginning on the date of closing, although interest will be assessed only on funding fee payments received more than 30 days after closing.

(Authority: 38 U.S.C. 210(c))

(3) The fee described in paragraph (d)(1) of this section shall not be collected from a veteran who is receiving compensation (or who but for the receipt of retirement pay would be entitled to receive compensation) nor from a surviving spouse described in section (b)(2) of Title 38, United States Code.

(Authority: 38 U.S.C. 1829(b))

(4) Collection of the loan fee in this paragraph does not apply to loans closed prior to August 17, 1984, or to loans closed after September 30, 1987.

(Authority: 38 U.S.C. 1829(c))

[FR Doc. 87-23617 Filed 10-9-87; 8:45 am]

BILLING CODE 8320-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 65

[Docket No. FEMA-6918]

#### Proposed Flood Elevation Determinations; Arkansas, et al.

**AGENCY:** Federal Insurance Administration, Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed modified base flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program.

**DATES:** The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has economic impact.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.



**PART 65—[AMENDED]**

Authority: 42 U.S.C. 4001 *et seq.*,  
Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed modified base flood  
elevations for selected locations are:

The Authority citation for Part 67  
continues to read as follows:

**PROPOSED MODIFIED BASE FLOOD ELEVATIONS**

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arkansas	Conway, City, Faulkner County	Little Creek	Approximately 160 feet downstream of confluence with Little Creek Tributary No. 1.	None	*280
			Approximately 60 feet downstream of Mockingbird Lane (extended).	None	*284
			Approximately 1,650 feet downstream of U.S. Highway 64.	None	*289
			Approximately 320 feet downstream of U.S. Highway 64.	None	*292

Maps available for inspection at the City Hall, 1201 Oak Street, Conway, Arkansas.

Send comments to The Honorable David Kinley, Mayor of the City of Conway, Faulkner County, 1201 Oak Street, Conway, Arkansas 72032.

Arkansas	North Little Rock, City, Pulaski County	Fairman Ditch	Approximately 301 feet downstream of Emily Street	*249	*247
			Approximately .1 mile upstream of Emily Street	*252	*250
		Glenview Ditch	Approximately .20 mile downstream of Highway 161	*247	*248
			Approximately .12 mile upstream of Highway 161	*251	*250

Maps available for inspection at the Planning Division, 1206 Sycamore, North Little Rock, Arkansas.

Send comments to The Honorable Terry C. Hartwick, Mayor of the City of North Little Rock, Arkansas 72114.

Iowa	City of Des Moines, Polk County	Yeader Creek	At mouth	None	*818
			About 1200 feet downstream of Southwest 9th Street	None	*861
			About 1100 feet downstream of Southwest 9th Street	None	*866
			Just downstream of Southwest 9th Street	None	*868
			Just upstream of Southwest 9th Street	None	*873
			Just downstream of Southwest 18th Street	None	*889
			Just upstream of Southwest 18th Street	None	*895
			800 feet upstream of Southwest 18th Street	None	*897

Maps available for inspection at the City Hall, East First and Locust Streets, Des Moines, Iowa.

Send comments to The Honorable John Pat Dorian, Mayor, City of Des Moines, City Hall, East First and Locust Streets, Des Moines, Iowa 50307

Louisiana	Lafayette, City, Lafayette Parish	Grand Avenue Coulee	At intersection of Wayside Drive and North Philo Drive	None	*29
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Maps available for inspection at the Acadian Metrocode, 707 West University, Lafayette, Louisiana.

Send comments to The Honorable Dud Lastrapes, Mayor of the City of Lafayette, Lafayette Parish, P.O. Box 4017C, Lafayette, Louisiana 70502

Louisiana	Lafayette Parish	Grand Avenue Coulee	Approximately 100 feet southeast of intersection of North Domingo Avenue and West Congress Street	None	*29
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Maps available for inspection at the Acadian Metrocode, 707 West University, Lafayette, Louisiana.

Send comments to The Honorable Walter F. Comeaux, Jr., President of Lafayette Parish, P.O. Drawer 4508, Lafayette, Louisiana 70502.

Louisiana	Patterson, Town, St. Mary Parish	Wax Lake East	Intersection of Lucia Drive and David Street	None	*3
			Intersection of Pietro Drive and Bernard Drive	None	*3

Maps available for inspection at the Town Hall, 203 Park Street, Patterson, Louisiana.

Send comments to The Honorable Fred Allen Mensman, Mayor of the Town of Patterson, St. Mary Parish, Town Hall, 203 Park Street, Patterson, Louisiana 70392.

Massachusetts	North Reading, Town, Middlesex County	Martins Brook	Downstream side	*78	*79
			Downstream side of Burroughs Road	*78	*79

Maps available for inspection at the Town Hall, Park Street, North Reading, Massachusetts.

Send comments to The Honorable Ernest P. Doucette, Chairman of the Town of North Reading Board of Selectmen, Middlesex County, Town Hall, Park Street, North Reading, Massachusetts 01864.

Massachusetts	Wilmington, Town, Middlesex County	Martins Brook	Upstream side of Salem Street	*82	*78
			Upstream corporate limits	*82	*79
		Tributary to Martins Brook	At confluence with Martins Brook	None	*78
			Upstream side of Ainsworth Road	None	*83
		Martins Pond	Approximately 1,130 feet upstream of Andover Street	None	*84
			Backwater flooding	None	*80

Maps available for inspection at the Department of Engineering or Planning Department, Town Hall, 121 Glen Road, Wilmington, Massachusetts 01887.

Send comments to The Honorable Reginald S. Stapczynski, Wilmington Town Manager, Middlesex County, 121 Glen Road, Wilmington, Massachusetts 01887.

Minnesota	Unincorporated Areas of Rice County	Sakatah Lake	Along entire shoreline	None	*1,004
		Lower Sakatah Lake	Along entire shoreline	None	*1,004

Maps available for inspection at the Zoning Office, 218 Northwest Third Street, Faribault, Minnesota.

Send comments to The Honorable Nancy Hohbach, County Coordinator, Rice County, 218 Northwest Third Street, Faribault, Minnesota 55021.

Missouri	City of Hayti, Pemiscot County	Main Ditch No. 6	Just downstream of Burlington Northern railroad	*259	*265
			About 300 feet upstream of State Highway 412	*262	*265



## PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the City Hall, Hayti, Missouri. Send comments to The Honorable O.E. McAdams, Mayor, City of Hayti, City Hall, P.O. Box X, Hayti, Missouri 63851.					
Missouri	City of West Plains, Howell County.	Burton Branch	Just downstream of U.S. Highway 63 Bypass	*1,004	*1,004
		Mustion Creek	About 800 feet upstream of Harrison Road	None	*1,022
			About 0.54 mile downstream of U.S. Highway 160	*997	*996
			Just upstream of U.S. Highway 160	None	*1,013
Maps available for inspection at 1910 Holiday Lane, West Plains, Missouri. Send comments to The Honorable Jim Hawkins, Mayor, City of West Plains, 1910 Holiday Lane, West Plains, Missouri 65775.					
New Jersey	Paramus, Borough, Bergen County.	Saddle River	Approximately 1,750 feet downstream of Linwood Avenue.	*72	*73
			Approximately 1,580 feet downstream of Linwood Avenue.	*72	*74
			Approximately 580 feet downstream of Linwood Avenue.	*75	*76
Maps available for inspection at the Township Hall, Jockish Square, Paramus, New Jersey. Send comments to The Honorable Joseph Cipollo, Mayor of the Borough of Paramus, Bergen County, Jockish Square, Paramus, New Jersey 07652.					
New York	Newark, Village, Wayne County	Ganargua Creek	At State Route 88	None	*416
			Approximately 150 feet upstream of CONRAIL	None	*418
Maps available for inspection at the Village Office, 100 East Miller Street, Newark, New York. Send comments to The Honorable James E. Priano, Mayor of the Village of Newark, Wayne County, Village Office, 100 East Miller Street, Newark, New York 14513.					
New York	Palmyra, Village, Wayne County	Red Creek West	Entire length affecting community	None	*429
Maps available for inspection at the Village Office, 144 East Main Street, Palmyra, New York. Send comments to The Honorable Warner Strong, Mayor of the Village of Palmyra, Wayne County, Village Office, 144 East Main Street, Palmyra, New York 14522.					
South Carolina	Unincorporated Areas of Charleston County.	Atlantic Ocean	At the intersection of Stone Post Road and Wyndham Road.	*13	*12
			At the intersection of Cedar Hill Drive and Honeysuckle Lane.	None	*12
			About 100 feet east of the intersection of Stonefield Drive and Creekside Drive.	*14	*13
			At the intersection of Welch Road and Sea Aire Drive	*14	*12
			About 500 feet south of the intersection Jeffords Street and Avenue A.	None	*12
			At the intersection of Carol Street and Pawpaw Street	*12	*11
			Just north of the intersection of Furman Drive and Harvard Avenue.	*9	*8
			Just north of the intersection of James Bay Road and Old Charleston Road.	*12	*11
			Just northeast of County Route 20 and Old Charleston Road.	*11	*10
Maps available for inspection at the County Courthouse, 2 Courthouse Square, Charleston, South Carolina. Send comments to The Honorable William Furtwagler, Charleston County Administrator, County Courthouse, 2 Courthouse Square, Charleston, South Carolina 29401.					
Tennessee	City of Franklin, Williamson County.	Spencer Creek	Just downstream of Franklin Road	*631	*631
			Just upstream of Franklin Road	None	*635
			Just downstream of CSX railroad	None	*635
			Just upstream of CSX railroad	None	*641
			About 1.7 miles upstream of CSX railroad	None	*663
		Dry Branch	At mouth	None	*657
			Just downstream of CSX railroad	None	*676
			Just upstream of CSX railroad	None	*684
			Just downstream of Mallory Station Road	None	*692
Maps available for inspection at the Harpetch Square Mall, Franklin, Tennessee. Send comments to The Honorable A.J. Bethurum, Mayor, City of Franklin, P.O. Box 305, Franklin, Tennessee 37064.					
Texas	Comal County, Unincorporated Areas.	Guadalupe River (Upper Reach)	Approximately 1,970 feet upstream of U.S. Route 281	*1,013	*1,014
			Approximately 5,090 feet upstream of U.S. Route 281	*1,017	*1,018
Maps available for inspection at the Comal County Courthouse, New Braunfels, Texas. Send comments to The Honorable Fred Clark, Comal County Judge, Comal County Courthouse, New Braunfels, Texas 78130.					
Texas	El Paso, City, El Paso County	Flow Path No. 11	Approximately 1,540 feet upstream of confluence with Flow Path #13.	*3,931	*3,930
			At confluence of Flow Path No. 54	None	*3,996
			At State Route 110	None	*4,110
			Approximately .57 mile upstream of confluence Flow Path No. 11A.	None	*4,524
		Flow Path No. 11A	At confluence with Flow Path No. 11	None	*4,414
			Approximately .27 mile upstream of confluence with Flow Path No. 11.	None	*4,469
		Flow path No. 12	Approximately .57 mile	None	*4,526
			At confluence with Flow Path No. 11	None	*3,943
			Approximately 2.18 miles upstream of confluence with Flow Path No. 11.	None	*4,019



## PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Flow Path No. 13A.....	Approximately 600 feet upstream of confluence with Flow Path No. 13.	* 3,998	* 3,997
			At state Route 110.....	None	* 4,088
			Approximately .57 mile upstream of State Route 110.....	None	* 4,173
			Approximately 1.01 miles upstream of State Route 110.....	None	* 4,248
			Approximately 1.33 miles upstream of State Route 110.....	None	* 4,323
			Approximately .53 mile downstream of confluence of Flow Path No. 13B.	None	* 4,398
			Approximately 930 feet downstream of confluence with Flow Path No. 13B.	None	* 4,473
			At confluence of Flow Path No. 13B.....	None	* 4,527
			Approximately .19 mile upstream of confluence of Flow Path No. 13B.	None	* 4,569
		Flow Path No. 13B.....	At confluence with Flow Path No. 13A.....	None	* 4,527
			Approximately .38 mile upstream of confluence with Flow Path No. 13A.	None	* 4,567
		Flow Path No. 49.....	At confluence with Flow Path No. 13A.....	None	* 4,010
			At confluence of Flow Path No. 49a.....	None	* 4,039
			Approximately .37 mile downstream of divergence of Flow Path No. 52.	None	* 4,096
			At confluence of Flow Path No. 49B.....	None	* 4,154
			Approximately .43 mile upstream of confluence of Flow Path No. 49B.	None	* 4,215
			Approximately .85 mile upstream of confluence of Flow Path No. 49B.	None	* 4,275
			Approximately 1.23 miles upstream of confluence of Flow Path No. 49B.	None	* 4,340
			Approximately 1.52 miles upstream of confluence of Flow Path No. 49B.	None	* 4,400
			Approximately 1.80 miles upstream of confluence of Flow Path No. 49B.	None	* 4,460
			Approximately 2.08 miles upstream of confluence of Flow Path No. 49B.	None	* 4,521
		Flow Path No. 49A.....	At confluence of Flow Path No. 49.....	None	* 4,039
			Approximately .75 mile upstream of confluence of Flow Path No. 49.	None	* 4,097
		Flow Path No. 49B.....	At confluence of Flow Path No. 49.....	None	* 4,154
			At confluence of Flow Path No. 49C.....	None	* 4,279
			Approximately .48 mile upstream of confluence of Flow Path No. 49C.	None	* 4,354
			Approximately .80 mile upstream of confluence of Flow Path No. 49C.	None	* 4,429
			Approximately 1.05 miles upstream of confluence of Flow Path No. 49C.	None	* 4,504
			Approximately 1.21 miles upstream of confluence of Flow Path No. 49C.	None	* 4,554
			Approximately 1.33 miles upstream of confluence of Flow Path No. 49C.	None	* 4,599
		Flow Path No. 49C.....	At confluence with Flow Path No. 49B.....	None	* 4,279
			Approximately .57 mile upstream of confluence with Flow Path No. 49B.	None	* 4,381
			Approximately 1.14 miles upstream of confluence with Flow Path No. 49B.	None	* 4,520
		Flow Path No. 50.....	At confluence with Flow Path No. 13A.....	None	* 4,016
			Approximately .71 mile upstream of confluence with Flow Path No. 13A.	None	* 4,089
		Flow Path No. 51.....	At confluence with Flow Path No. 13A.....	None	* 4,011
			At confluence with Flow Path No. 51A.....	None	* 4,045
			Approximately .57 mile upstream of confluence with Flow Path No. 51A.	None	* 4,098
		Flow Path No. 51A.....	At confluence with Flow Path No. 51.....	None	* 4,045
			Approximately .29 mile upstream of confluence with Flow Path No. 51.	None	* 4,072
			Approximately .57 mile upstream of confluence with Flow Path No. 51.	None	* 4,099
		Flow Path No. 52.....	At of confluence with Flow Path No. 13A.....	None	* 4,007
			Approximately .83 mile upstream of confluence with Flow Path No. 13A.	None	* 4,060
			At divergence from Flow Path No. 49.....	None	* 4,126
		Flow Path No. 53.....	Approximately .47 mile upstream of confluence with Flow Path No. 13.	None	* 3,965
			Approximately 1.99 miles upstream of confluence with Flow Path No. 13.	None	* 4,019
		Flow Path No. 54.....	At confluence with Flow Path No. 11.....	None	* 3,996
			Approximately 2.01 miles upstream of State Route 2529.	None	* 4,123
		Flow Path No. 55.....	At County boundary.....	None	* 4,023
			Approximately .57 mile upstream of confluence with Flow Path No. 55A.	None	* 4,410
		Flow Path No. 55A.....	At confluence with Flow Path No. 55.....	None	* 4,345
			Approximately .76 miles upstream of confluence of Flow Path No. 55.	None	* 4,448
		Flow Path No. 56.....	At confluence with Flow Path No. 55.....	None	* 4,026
			At State Route 110.....	None	* 4,108
			Approximately .81 mile upstream of State Route 110.....	None	* 4,189
		Flow Path No. 56A.....	At confluence with Flow Path No. 56.....	None	* 4,094
			At State Route 110.....	None	* 4,115
			Approximately .76 mile upstream of State Route 110.....	None	* 4,198



## PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Two Civic Center Plaza, El Paso, Texas. Send comments to The Honorable Jonathan Rogers, Mayor of the City of El Paso, El Paso County, Two Civic Center Plaza, El Paso, Texas 79999.					
Texas.....	Grand Prairie, City, Dallas, Tarrant, and Ellis Counties.	Fish Creek.....	Approximately 1.39 miles upstream of Dallas/Tarrant County line. Approximately 1.92 miles upstream of Dallas/Tarrant County line. Approximately .2 mile downstream of State Highway 360.	*522 *530 *535	*521 *532 *537
Maps available for inspection at the Department of Public Works, 317 College Street, Grand Prairie, Texas. Send comments to The Honorable Jerry Debo, Mayor of the City of Grand Prairie, Dallas, Tarrant, and Ellis Counties, P.O. Box 530011, Grand Prairie, Texas 75053-0011.					
Texas.....	Lufkin, City, Angelina County.....	Hurricane Creek East Tributary East.	Confluence with Hurricane Creek East Tributary East.....  Approximately 970 feet upstream of confluence with Hurricane Creek East Tributary East.	None  None	*245  *251
Maps available for inspection at the City Hall, P.O. Box 190, Lufkin, Texas. Send comments to The Honorable Pitser Garrison, Mayor of the City of Lufkin, Angelina County, P.O. Box 190, Lufkin, Texas 75901.					
Texas.....	Mesquite, City, Dallas County.....	Stream 2J2.....	Approximately 480 feet downstream of Brookhaven Drive. Approximately 370 feet downstream of Hollowbend Drive.	*491 *499	*492 *498
Maps available for inspection at the City Hall, 711 North Galloway, Mesquite, Texas. Send comments to The Honorable Brunhilde Nystrom, Mayor of the City of Mesquite, Dallas County, P.O. Box 137, Mesquite, Texas 75149.					
Wisconsin.....	Village of Hales Corners, Milwaukee County.	Whitnall Parak Creek.....	About 550 feet upstream of West Forest Home Avenue. Just upstream of West Janesville Road..... Just downstream of the confluence of Upper Kelly Lake. Upper Kelly Lake.....	*769 *780 *811 *811	*769 *781 *809 *809
Maps available for inspection at the Village of Hales Corners, 5635 New Berlin Road, Hales Corners, Wisconsin. Send comments to The Honorable James C. Hurm, Village Commissioner, Village of Hales Corners, 5635 New Berlin Road, Hales Corners, Wisconsin 53130					
Wisconsin.....	City of New Berlin, Waukesha County.	Upper Kelly Lake Tributary.....	Just upstream of the confluence of Upper Kelly Lake.....  Just downstream of St. Mary's Drive..... Entire shoreline.....	*808  *809 *808	*809  *809 *809
Maps available for inspection at the New Berlin Planning Department, 3805 South Casper Drive, New Berlin, Wisconsin. Send comments to The Honorable Timothy K. Tully, Mayor, City of New Berlin, 3805 South Casper Drive, New Berlin, Wisconsin 53151.					

Issued: October 1, 1987.

Harold T. Duryee,  
Administrator, Federal Insurance  
Administration.

[FR Doc. 87-23536 Filed 10-9-87; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 67

[Docket No. FEMA-6917]

#### Proposed Flood Elevation Determinations; Alabama, et al.

**AGENCY:** Federal Insurance  
Administration, Federal Emergency  
Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either

adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATE:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood

Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001 through 4128, and 44 CFR 67.4(a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency



Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

#### List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

#### PART 67—[AMENDED]

The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

The proposed base (100-year) flood elevations for selected locations are:

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>ALABAMA</b>	
<b>Chambers County (unincorporated areas)</b>	
<i>Chattahoochee River:</i>	
About 4.2 miles downstream of Riverview Dam.....	*527
Just downstream of Langdale Dam.....	*552
Just upstream of Langdale Dam.....	*558
About 2000 feet downstream of West Point Dam.....	*580
<i>Osanippa Creek:</i>	
About 800 feet downstream of U.S. Highway 29.....	*577
About 1,500 feet downstream of Interstate 85.....	*596
<i>Tributary No. 2:</i>	
At mouth.....	*579
About 1.2 miles upstream of County Road 55.....	*597
<i>Moore's Creek:</i>	
About 600 feet downstream of State Highway 29.....	*552
Just upstream of Fob James Boulevard.....	*556
<i>Ginnie Creek:</i>	
At mouth.....	*553
About 500 feet upstream of Fob James Boulevard.....	*587
<b>Maps available for inspection at the County Commissioner's Office, Valley, Alabama.</b>	
<b>Send comments to The Honorable Doss Leak, Chairman, County Commission, Chambers County, P.O. Box 315, Valley, Alabama 36854.</b>	
<b>Lanett (City), Chambers County</b>	
<i>Chattahoochee River:</i>	
About 1.8 miles downstream of U.S. Highway 29.....	*571

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
About 1,100 feet upstream of U.S. Highway 29.....	*575
<b>Maps available for inspection at the City Hall, Lanett, Alabama. Send comments to The Honorable Mac Langley, Mayor, City of Lanett, City Hall, P.O. Box 290, Lanett, Alabama 36863.</b>	
<b>ARKANSAS</b>	
<b>Lepanto (city), Poinsett County</b>	
<i>Left Hand Chute of Little River:</i>	
Approximately 1.1 miles downstream of most downstream crossing of State Route 140.....	*220
Approximately .61 mile upstream of Old State Route 140.....	*223
<b>Maps available for inspection at 117 South Greenwood, Lepanto, Arkansas.</b>	
<b>Send comments to The Honorable James A. Neal, Mayor of the City of Lepanto, Poinsett County, P.O. Drawer D, Lepanto, Arkansas 72354.</b>	
<b>CALIFORNIA</b>	
<b>Encinitas (city), San Diego County</b>	
<i>Pacific Ocean:</i>	
Approximately 200 feet west of Tattenham Street.....	*15
Approximately 260 feet west of intersection of Neptune Avenue and Jason Street.....	*9
Approximately 300 feet west of intersection of Neptune Avenue and Europa Street.....	*10
Approximately 330 feet west of intersection of Neptune Avenue and Athena Street.....	*13
Approximately 600 feet west of intersection of La Mesa Avenue and Orpheus Avenue.....	*12
Approximately 325 feet west of intersection of Neptune Avenue and La Mesa Avenue.....	*11
Approximately 300 feet west of intersection of 5th Street and 'A' Street.....	*10
Approximately 150 feet west of intersection of 5th Street and 'B' Street.....	*8
Approximately 350 feet west of intersection of 4th Street and 'D' Street.....	*10
Approximately 330 feet west of intersection of 4th Street and 'E' Street.....	*11
Approximately 250 feet west of intersection of 4th Street and 'G' Street.....	*12
Approximately 450 feet west of intersection of 3rd Street and 'J' Street.....	*11
Approximately 650 feet west of intersection of 1st Street and 2nd Street.....	*10
Approximately 1,100 feet west of intersection of Summit Avenue and Westminster Drive.....	*9
Approximately 750 feet west of intersection of Hayden Drive and Montgomery Avenue.....	*10
Approximately 700 feet west of intersection of San Elijo Avenue and Birmingham Drive.....	*11
Approximately 500 feet west of intersection of Camino Del Mar and Chesterfield Drive.....	*10
Approximately 200 feet west of intersection of San Elijo Avenue and Kilkenny Drive.....	*7
At southern corporate limits.....	*13
<i>Escondido Creek:</i>	
Approximately 1,650 feet south of intersection of Manchester Avenue and El Camino Real.....	*13
Approximately 50 feet upstream of Encinitas Boulevard.....	*33
At El Camino Del Norte.....	*54
Approximately 300 feet north of intersection of Via De Caballo and Val Sereno Drive.....	*65
<i>San Elijo Creek:</i>	
At confluence with San Elijo Lagoon.....	*13
Approximately 1,100 feet above confluence with San Elijo Lagoon.....	*16
<b>Maps are available for review at City Hall, 535 Encinitas Avenue, Encinitas, California.</b>	
<b>Send comments to Mayor Marjorie Gaines, City Hall, 535 Encinitas Avenue, Suite 100, Encinitas, California 92024.</b>	

#### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Solana Beach (city), San Diego County</b>	
<i>Pacific Ocean:</i>	
Approximately 650 feet west of and then south of the intersection of Sierra Avenue and Del Mar Shores Terrace.....	*12
Approximately 700 feet west of the intersection of Sierra Avenue and Palm Drive.....	*13
Approximately 500 feet west of the intersection of Sierra Avenue and Linda-Mar Drive.....	*12
Approximately 450 feet west of the intersection of Sierra Avenue and Plaza Street.....	*10
Approximately 300 feet west of the southern intersection of Heux Avenue and Hill Street.....	*12
Approximately 500 feet west of the intersections of Clark Street, Hill Street and Sierra Avenue.....	*14
Approximately 300 feet west of the intersection with Solana Vista Drive and Pacific Avenue.....	*13
<i>San Diego River:</i>	
Between Del Mar Downs Road and Valley Avenue.....	*17
<b>Maps are available for review at the City Manager's Office, City Hall, 380 Stevens Avenue, Solana Beach, California.</b>	
<b>Send comments to Mayor Margaret Schlesinger, City Hall, 380 Stevens Avenue, Suite 120, Solana Beach, California 92075.</b>	
<b>Trinity County (unincorporated areas)</b>	
<i>Trinity River:</i>	
Approximately 2,250 feet downstream of confluence with Canyon Creek.....	*1,450
Approximately 1,450 feet downstream of confluence with Feltzer Gulch.....	*1,475
Approximately 1,300 feet downstream of confluence with Carr Creek.....	*1,520
Approximately 300 feet downstream of confluence with Browns Creek.....	*1,545
Approximately 230 feet downstream of State Highway 299.....	*1,625
Approximately 820 feet downstream of confluence with McIntyre Gulch.....	*1,655
Approximately 150 feet downstream of confluence with Snipe Gulch.....	*1,741
Approximately 400 feet downstream of confluence with Rush Creek.....	*1,780
Approximately 420 feet downstream of Trinity Dam Boulevard.....	*1,812
<b>Maps are available for review at the Trinity County Planning Department, 303 Trinity Lakes Boulevard, Weaverville, California.</b>	
<b>Send comments to Mr. Dean Meyer, Chairman, Trinity County Board of Supervisors, P.O. Box AY, Weaverville, California 96093.</b>	
<b>CONNECTICUT</b>	
<b>Washington (town), Litchfield County</b>	
<i>Bantam River:</i>	
At confluence with Shepaug River.....	*625
At upstream corporate limits.....	*714
<i>East Aspetuck River:</i>	
At downstream corporate limits.....	*487
Approximately .3 mile downstream of State Route 25.....	*556
Downstream side of Church Street.....	*640
Approximately .4 mile upstream of Shore Road.....	*697
<i>Shepaug River:</i>	
At downstream corporate limits.....	*373
Downstream side of West Church Hill Road.....	*445
At State Route 47.....	*519
Approximately 1.1 miles downstream of Romford Road.....	*590
Approximately .7 mile upstream of Romford Road.....	*680
At upstream corporate limits.....	*732
<b>Maps available for inspection at the Town Clerk's Vault, Washington Depot, Connecticut 06794.</b>	



PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
Send comments to The Honorable John A. Marsh, First Selectman of the Town of Washington, Litchfield County, Bryan Town Hall, Washington Depot, Connecticut 06794.	
<b>GEORGIA</b>	
<b>Canton (city), Cherokee County</b>	
Canton Creek:	
At mouth.....	*873
About 0.9 mile upstream of CSX railroad.....	*686
Etowah River:	
About 1,000 feet downstream of confluence of Puckett Creek.....	*869
Just upstream of Interstate 575.....	*879
Maps available for inspection at the City Manager's Office, City Hall, 190 West Main Street, Canton, Georgia.	
Send comments to The Honorable Walton Davis, Mayor, City of Canton, P.O. Box 468, 190 West Main Street, Canton, Georgia 30114.	
<b>Cherokee County (unincorporated areas)</b>	
Rubes Creek:	
At mouth.....	*861
About 1.0 mile upstream of State Route 92.....	*898
Noonday Creek:	
At mouth.....	*861
About 500 feet downstream of confluence of Tate Creek.....	*894
Little River:	
Just downstream of Interstate 575.....	*861
About 1.15 miles upstream of confluence of Rocky Creek.....	*891
Tributary L:	
At mouth.....	*880
Just downstream of State Route 92.....	*925
Just downstream of State Route 92.....	*932
About 3,000 feet upstream of State Route 92.....	*955
Rocky Creek:	
At mouth.....	*884
About 3,250 feet upstream of Cox Road.....	*901
Tributary M:	
At mouth.....	*861
Just downstream of Blalock Road.....	*913
About 400 feet upstream of Blalock Road.....	*918
Avery Creek:	
At mouth.....	*890
Just downstream of Hickory Drive.....	*911
Just upstream of Hickory Drive.....	*917
Just downstream of SCS Dam No. 1.....	*916
Just upstream of SCS Dam No. 1.....	*941
Just downstream of SCS Dam No. 2.....	*942
Mill Creek:	
At mouth.....	*861
About 1,100 feet upstream of State Route 140.....	*930
Owl Creek:	
About 1.15 miles downstream of Kellogg Creek Road.....	*861
Just downstream of Victory Drive.....	*936
Just upstream of Victory Drive.....	*943
About 0.80 mile upstream of Victory Drive.....	*1,001
Kellogg Drive:	
At mouth.....	*861
About 2,300 feet upstream of Victory Drive.....	*985
Clark Creek:	
About 1,450 feet downstream of State Route 92.....	*861
Just downstream of Interstate 75.....	*903
Just upstream of Interstate 75.....	*908
Just downstream of Dunnwood Drive.....	*954
Just upstream of Dunnwood Drive.....	*959
About 2,350 feet upstream of Dunnwood Drive.....	*978
Tate Creek:	
About 450 feet upstream of mouth.....	*894
About 500 feet downstream of SCS Dam 17.....	*907
Just upstream of SCS Dam 17.....	*940
About 0.95 mile upstream of SCS Dam 17.....	*941
Tongah Creek:	
At mouth.....	*861
About 1,100 feet downstream of Transart Parkway.....	
Just downstream of Soles Road.....	*866
Just upstream of Sixes Road.....	*903
	*908

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
Just downstream of Palm Road.....	*946
Just upstream of Palm Road.....	*954
Just downstream of Hickory Road.....	*1,041
Just upstream of Hickory Road.....	*1,048
About 1,600 feet upstream of Hickory Road.....	*1,061
Etowah River:	
About 4,500 feet downstream of State Road 20.....	*861
About 7.6 miles upstream of CSX railroad.....	*901
Maps available for inspection at the Cherokee County Planning Commission, 140 North Street, Canton, Georgia.	
Send comments to The Honorable Gene Hobgood, County Commissioner, Cherokee County, Cherokee County Courthouse, 100 North Street, Canton, Georgia 30114.	
<b>Woodstock (city), Cherokee County</b>	
Rubes Creek:	
About 1,200 feet upstream of Arnold Mill Road.....	*872
Just downstream of State Route 92.....	*887
Noonday Creek:	
Just downstream of Interstate 575.....	*887
At county boundary.....	*894
Little River:	
Just upstream of Interstate 575.....	*861
About 1,500 feet downstream of Trickum Road.....	*870
Maps available for inspection at the City Hall, 103 Church Street, Woodstock, Georgia.	
Send comments to The Honorable Evelyn Chambers, Mayor, City of Woodstock, P.O. Box 307, Woodstock, Georgia 30188.	
<b>IOWA</b>	
<b>Hills (city), Johnson County</b>	
Iowa River:	
About 1,500 feet downstream of Main Street bridge over Iowa River.....	*628
About 2.8 miles upstream of Main Street bridge over Iowa River.....	*634
Old Mans Bypass:	
At mouth at Iowa River.....	*631
About 5,550 feet upstream of mouth.....	*635
Maps available for inspection at the City Hall, Hills, Iowa.	
Send comments to The Honorable Larry Culver, Mayor, City of Hills, City Hall, Box 345, Hills, Iowa 52235.	
<b>Oelwein (city), Fayette County</b>	
Otter Creek:	
About 1,300 feet downstream of 10th Street Southwest.....	*1,004
About 450 feet upstream of Charles Street West.....	*1,019
Dry Run Creek:	
About 450 feet downstream of 6th Avenue Southwest.....	*1,014
Just downstream of East Line Road.....	*1,071
North Branch Dry Run Creek:	
At mouth.....	*1,070
Just downstream of East Line Road.....	*1,073
Maps available for inspection at the City Hall, 20 Second Avenue, SE, Oelwein, Iowa.	
Send comments to The Honorable Beth McFarlane, Mayor, City of Oelwein, City Hall, 20 Second Avenue, SE, Oelwein, Iowa 50662.	
<b>LOUISIANA</b>	
<b>Abita Springs (town), St. Tammany Parish</b>	
Abita River:	
At downstream corporate limits.....	*23
Upstream side of State Route 36.....	*29
At upstream corporate limits.....	*33
Long Branch:	
At confluence of Abita River.....	*29
At upstream corporate limits.....	*30
Long Branch Tributary:	

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
At confluence with Long Branch.....	*30
At upstream side of Allen Road.....	*36
Approximately 0.1 mile upstream of Allen Road.....	*37
LA 36 South Tributary:	
At confluence with Abita River.....	*24
At upstream side of Illinois Central Gulf Railroad.....	*26
Approximately 0.2 mile upstream of Herbert Road.....	*32
LA 36 North Tributary:	
At confluence with LA 36 South Tributary.....	*24
At upstream side of Laurel Street.....	*25
Approximately 0.6 mile upstream of Gum Street.....	*30
Southwind Branch:	
Approximately 0.4 mile upstream from confluence with Abita River.....	*21
Approximately 0.6 mile upstream from confluence with Abita River.....	*22
Upstream side of State Route 59.....	*27
Upstream side of Illinois Central Gulf Railroad.....	*30
Maps available for inspection at the Town Hall, Level Street, Abita Springs, Louisiana.	
Send comments to The Honorable Lynn D. Bridges, Mayor of the Town of Abita Springs, St. Tammany Parish, P.O. Box 461, Abita Springs, Louisiana 70420.	
<b>Jefferson Davis Parish (unincorporated areas)</b>	
Keystone Ditch:	
1.6 miles upstream of confluence with Mermen-tau River.....	*7
Downstream of State Route 380.....	*11
West Bayou Grand Marais:	
Downstream side of Parish Road.....	*18
At confluence with West Bayou Grand Marais Tributary No. 2.....	*25
West Bayou Grand Marais Tributary No. 1:	
Approximately 1 mile upstream of confluence with West Bayou Grand Marais.....	*18
West Bayou Grand Marais Tributary No. 2:	
Approximately 1.5 miles upstream of confluence with West Bayou Grand Marais.....	*25
Keystone Ditch Tributary: Approximately 1.1 miles upstream of confluence with Keystone Ditch.....	*9
Mermen-tau River Tributary:	
Approximately .95 mile upstream of confluence with Mermen-tau River.....	*7
Approximately 1.4 miles upstream of confluence with Mermen-tau River.....	*9
Mermen-tau River:	
800 feet upstream of confluence of Keystone Ditch.....	*9
Approximately 3.7 miles upstream of New U.S. Route 90.....	*15
Bayou Lacassine:	
At State Route 14.....	*6
At Lorrain Road.....	*8
Unnamed Tributary to Bayou Blue:	
At confluence with Bayou Blue.....	*39
Upstream to Parish boundary.....	*46
East Bayou Lacassine: Approximately .36 mile downstream of Parish boundary.....	*17
Lateral L-1C: At the Southern Pacific Railroad.....	*18
East Grand Marais Bayou Ditch:	
Approximately 0.5 mile downstream of Parish boundary.....	*13
Approximately 1.6 miles upstream of Parish boundary.....	*15
Northeast Outfall Ditch: Approximately 0.35 mile upstream of Parish boundary.....	*17
Gulf of Mexico:	
Tidal flooding east of Bell City Drainage Ditch.....	*5
Tidal flooding affecting entire shoreline of Lake Arthur.....	*6
Maps available for inspection at the Parish Courthouse, 426 Davis Street, Jennings, Louisiana.	
Send comments to The Honorable Raymond Woodel, President of the Jefferson Davis Parish Police Jury, P.O. Box 1409, Jennings, Louisiana 70546.	



PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Mansfield (city), DeSoto Parish</b>	
<i>Bayou San Patricio:</i>	
At approximately 500 feet upstream of south-east corporate limits.....	*304
At approximately 300 feet downstream of Jacobs Street.....	*313
Approximately .4 mile upstream of Johnson Street.....	*324
<b>Maps available for inspection at the City Hall, 705 Polk, Mansfield, Louisiana.</b>	
Send comments to The Honorable Harold Cornett, Mayor of the City of Mansfield DeSoto Parish, P.O. Box 773, Mansfield, Louisiana 71052.	
<b>Many (town), Sabine Parish</b>	
<i>San Jose Creek Tributary:</i>	
At downstream corporate limits.....	*234
Upstream side of Georgia Avenue.....	*240
Upstream side of Springbrook Avenue.....	*247
Approximately 950 feet upstream of Springbrook Avenue.....	*252
<b>Maps available for inspection at the City Hall, 955 A San Antonio, Many, Louisiana.</b>	
Send comments to The Honorable Michael Tarver, Mayor of the Town of Many, Sabine Parish, City Hall, P.O. Box 1330, Many, Louisiana 71449.	
<b>Webster Parish</b>	
<i>Bayou Dorcheat:</i>	
USGS Gaging Station 07349000 at Access Road.....	*159
At landing field.....	*160
Approximately .8 miles above landing field.....	*162
<b>Maps available for inspection at the Parish Court, 410 Main Street, Room 302, Minden, Louisiana.</b>	
Send comments to The Honorable William Robertson, President of the Webster Parish Police Jury, P.O. Box 389, Minden, Louisiana 71058-0389.	
<b>MAINE</b>	
<b>Anson (town), Somerset County</b>	
<i>Kennebec River:</i>	
Downstream corporate limits.....	*196
Upstream side of Maine Central Railroad.....	*257
Upstream corporate limits.....	*272
<i>Carrabassett River:</i>	
Confluence with Kennebec river.....	*267
At Maine Central Railroad.....	*308
Upstream corporate limits.....	*344
<i>Getchell Brook:</i>	
Confluence with Kennebec River.....	*255
Approximately 2,885 feet upstream of Bridge Street.....	*282
<b>Maps available for inspection at the Town Clerk's Office, Anson, Maine.</b>	
Send comments to The Honorable Robert Garland, First Selectman of the Town of Anson, Somerset County, Town Hall, Anson, Maine 04911.	
<b>Norridgewock (town), Somerset County</b>	
<i>Kennebec River:</i>	
Downstream corporate limits.....	*165
Upstream side of Bridge Street.....	*171
Confluence of Bombazee Brook.....	*179
Upstream corporate limits.....	*184
<i>Sandy River:</i>	
Confluence with Kennebec River.....	*183
Approximately 40 feet downstream of Sandy River Dam.....	*187
Approximately 1.11 miles upstream of Sandy River Dam.....	*192
Upstream corporate limits.....	*197

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<i>Mill Stream:</i>	
Confluence with Kennebec River.....	*170
Upstream of West Branch Station Dam.....	*189
Approximately 1.20 miles upstream of State Route 8.....	*193
<b>Maps available for inspection at the Town Clerk's Vault, Norridgewock, Maine.</b>	
Send comments to The Honorable Harry Norton, Chairman of the Board of Selectmen of the Town of Norridgewock, Somerset County, Town Office, P.O. Box 7, Norridgewock, Maine 04957.	
<b>West Paris (town), Oxford County</b>	
<i>Little Androscoggin River:</i>	
At downstream corporate limits.....	*387
At confluence of Moose Pond Brook.....	*460
At upstream corporate limits.....	*489
<b>Maps available for inspection at the Town Vault, West Paris, Maine.</b>	
Send comments to The Honorable Gordon Doughty, Chairman of the Board of Selectmen of the Town of West Paris, Oxford County, P.O. Box 247, Town Office, West Paris, Maine 04789.	
<b>MICHIGAN</b>	
<b>Castleton (township), Barry County</b>	
<i>Thornapple River:</i>	
About 3,800 feet downstream of confluence of High Bank Creek.....	*803
About 1.63 miles upstream of Greggs Crossing Road.....	*813
<b>Maps available for inspection at the Township Supervisor's Home, 512 North Main, Nashville, Michigan.</b>	
Send comments to The Honorable Justin W. Cooley, Supervisor, Township of Castleton, Township Hall, 98 South Main, Nashville, Michigan 49073.	
<b>MISSOURI</b>	
<b>Andrew County (unincorporated areas)</b>	
<i>Missouri River:</i>	
At downstream corporate limits.....	*821
At confluence of Nodaway River.....	*832
At upstream corporate limits.....	*834
<b>Maps available for inspection at the County Clerk's Office, Andrew County Courthouse, Savannah, Missouri.</b>	
Send comments to The Honorable Donald L. Phillippe, Presiding Commissioner of Andrew County, Andrew County Courthouse, P.O. Box 206, Savannah, Missouri 64485.	
<b>Arbyrd (city), Dunklin County</b>	
Ponding Area: Entire community.....	*248
<b>Maps available for inspection at the City Hall, Douglas Street, Arbyrd, Missouri.</b>	
Send comments to The Honorable Rufus Brown, Mayor of the City of Arbyrd, Dunklin County, Arbyrd, Missouri 63821.	
<b>Bolivar (city), Polk County</b>	
<i>Town Branch:</i>	
About 600 feet downstream of East Broadway Street.....	*981
Just downstream of East Broadway Street.....	*986
Just upstream of East Broadway Street.....	*991
Just downstream of South Springfield Avenue.....	*1,026
Just upstream of South Springfield Avenue.....	*1,031
Just downstream of South Clark Avenue.....	*1,038
Just upstream of South Clark Avenue.....	*1,044
About 1,250 feet upstream of Burlington Northern Railroad.....	*1,070
<i>South Tributary:</i>	

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
About 0.5 mile downstream of South Springfield Avenue.....	*1,024
Just downstream of South Springfield Avenue.....	*1,048
<b>Maps available for inspection at the City Hall, 116 East Jefferson Street, Bolivar, Missouri.</b>	
Send comments to The Honorable Joe L. Lemon, Mayor, City of Bolivar, 117 South Market, Bolivar, Missouri 65613.	
<b>Clinton (city), Henry County</b>	
<i>Town Creek:</i>	
Downstream corporate limits.....	*741
Upstream corporate limits.....	*753
<i>Left Bank Tributary to Town Creek:</i>	
At confluence with Town Creek.....	*751
Approximately 840 feet upstream of Antioch Road.....	*758
<i>Coal Creek:</i>	
At downstream corporate limits.....	*741
At upstream side of Franklin Street.....	*750
At Sedelia Street.....	*767
<b>Maps available for inspection at the City Hall, 105 E. Ohio Street, Clinton, Missouri.</b>	
Send comments to The Honorable Edwin J. Denman, Mayor of the City of Clinton, Henry County, City Hall, 105 E. Ohio Street, Clinton, Missouri 64735.	
<b>Keytesville (city), Chariton County</b>	
<i>Missouri River: Within community.....</i>	
<b>Maps available for inspection at the City Hall, 404 West Bridge Street, Keytesville, Missouri.</b>	
Send comments to The Honorable Donald G. Staples, Mayor, City of Keytesville, City Hall, 404 West Bridge Street, Keytesville, Missouri 65261.	
<b>Malden (city), Dunklin County</b>	
<i>Ditch No. 1: At Broadwater Road.....</i>	*283
<i>Ditch No. 14: Approximately 1,250 feet west of the intersection of Broadwater Road and Charlotte Street.....</i>	*287
<i>Ditch No. 1, Tributary A:</i>	
At downstream corporate limits.....	*288
Approximately 0.9 mile upstream of State Route 25.....	*291
<i>Ditch No. 1, Tributary B:</i>	
At St. Louis and Southwestern Railroad.....	*290
Approximately 0.6 mile upstream of State Route 25.....	*292
<b>Maps available for inspection at the City Clerk's Office, City Hall, 115 E. Main Street, Malden, Missouri.</b>	
Send comments to The Honorable Philip A. Santie, Mayor of the City of Malden, Dunklin County, City Hall, 115 E. Main Street, Malden, Missouri 63863-2298.	
<b>Milan (city), Sullivan County</b>	
<i>East Locust Creek:</i>	
About 3,800 feet downstream of State Highway C.....	*825
About 3,800 feet upstream of Third Street.....	*834
<b>Maps available for inspection at the City Hall, 201 North Market, Milan, Missouri.</b>	
Send comments to The Honorable G.E. Maulsby, Mayor, City of Milan, 712 South Market, Milan, Missouri 63556.	
<b>NEBRASKA</b>	
<b>Randolph (city), Cedar County</b>	
<i>Middle Logan Creek:</i>	
Approximately .21 mile downstream of most downstream County Road.....	*1,626
Approximately 1,440 feet upstream of Douglas Street.....	*1,667



PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately .21 mile downstream of U.S. Route 20	*1,695
North Branch Middle Logan Creek:	
Confluence with Middle Logan Creek	*1,631
Approximately 0.7 mile upstream of Sholes Road	*1,664
North Branch Middle Logan Creek Diversion:	
Confluence with East Tributary North Branch Middle Logan Creek	*1,644
Divergence from North Branch Middle Logan Creek	*1,653
East Tributary North Branch Middle Logan Creek:	
Confluence with North Branch Middle Logan Creek	*1,643
Approximately 90 feet upstream of Bridge Street	*1,659
South Branch Middle Logan Creek:	
Confluence with Middle Logan Creek	*1,650
Approximately 0.4 mile upstream of corporate limits and Bridge Street	*1,665
West Tributary South Branch Middle Logan Creek:	
Confluence with South Branch Middle Logan Creek	*1,658
Approximately 0.65 mile upstream of corporate limits	*1,678
Maps available for inspection at the City Hall, Randolph, Nebraska.	
Send comments to The Honorable Wendell Eddie, Mayor of the City of Randolph, Cedar County, City Hall, Box 348, Randolph, Nebraska 68771.	
<b>NEW MEXICO</b>	
<b>Silver City (town), Grant County</b>	
San Vicente Arroyo:	
Approximately 0.5 mile upstream of confluence of Maude's Creek	*5,620
Approximately 100 feet upstream of Broken Arrow Drive	*5,664
Approximately 0.5 mile downstream of downstream corporate limits	*5,736
At downstream corporate limits	*5,759
At State Route 90	*5,833
At confluence of Silva Creek & Pinos Altos Creek	*5,894
Pinos Altos Creek:	
At confluence with San Vicente Arroyo	*5,894
At Pine Street	*5,966
Approximately 1,280 feet upstream of 32nd Street	*6,048
Tributary 7 to Pinos Altos Creek:	
At confluence with Pinos Altos Creek	*5,952
Downstream side of Kimberly Road	*5,988
Silva Creek:	
At confluence with San Vicente Arroyo	*5,894
At upstream corporate limits	*5,940
Approximately 1.3 miles upstream of upstream corporate limits	*5,990
Maude's Creek:	
Approximately 1.6 miles upstream of confluence with San Vicente Arroyo	*5,695
Approximately 2.9 miles upstream of confluence with San Vicente Arroyo	*5,770
At confluence of Tributary 1 to Maude's Creek	*5,855
Approximately 0.7 mile downstream of corporate limits	*5,927
At corporate limits	*5,966
Approximately 765 feet upstream of U.S. Route 180	*6,015
Tributary 1 to Maude's Creek:	
At confluence with Maude's Creek	*5,855
Downstream side of Pinon Lane	*5,910
At downstream corporate limits	*6,007
Approximately 980 feet upstream of corporate limits	*6,044
Tributary 2 to Maude's Creek:	
Approximately 4.5 miles upstream of confluence with Maude's Creek	*5,958
At most downstream corporate limit	*5,981
Approximately 600 feet upstream of U.S. Route 180	*6,044
Maps available for inspection at the City Hall, 101 West Broadway, Silver City, New Mexico.	

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Send comments to The Honorable Dan Dunagan, Mayor of the Town of Silver City, Grant County, P.O. Box 262, Silver City, New Mexico 88062.	
<b>NEW YORK</b>	
<b>Ticonderoga (town), Essex County</b>	
Lake Champlain: Entire shoreline within community	*102
Maps available for inspection at the Ticonderoga Town Office, Town Clerk's Office, Ticonderoga, New York.	
Send comments to The Honorable Adolph Diskin, Supervisor of the Town of Ticonderoga, Essex County, Civic Center, Box 226, Ticonderoga, New York 12883.	
<b>NORTH DAKOTA</b>	
<b>Hamilton (city), Pembina County</b>	
Tongue River Tributary:	
Area approximately surrounded by Cavalier Avenue, 8th Street, Burlington Northern Railroad, and 4th Street	*823
Several ponding areas approximately surrounded by Hudson Avenue, 4th Street, Page Avenue, and 2nd Street	*824
Area located just south of North Street, east of Western Avenue and north of 2nd Street	*824
Southeast of the intersection of Page Avenue, and 2nd Street	*824
Near southwest corner of the intersection of Hudson Avenue and 3rd Street	*825
Along eastern side of Burlington Northern Railroad within the corporate limits of Hamilton	#1
Just west of the Burlington Northern Railroad and north of 4th Street	#1
Maps are available for review at the home of the City Auditor, Ms. Gloria Briesse, Hamilton, North Dakota 58238.	
Send comments to Mayor Lester Nelson, P.O. Box 186, Hamilton, North Dakota 58238.	
<b>OHIO</b>	
<b>Jewett (village), Harrison County</b>	
Conotton Creek:	
About 2,450 feet downstream of Center Street	*1,004
About 2,950 feet upstream of Cadiz Street	*1,014
Conotton Creek Overflow Channel:	
About 2,450 feet downstream of Center Street	*1,004
At confluence with Conotton Creek	*1,012
Maps available for inspection at the Mayor's Home, Jewett, Ohio.	
Send comments to The Honorable Eileen Coffy, Mayor, Village of Jewett, Box 122, Jewett, Ohio 43986.	
<b>OKLAHOMA</b>	
<b>Watonga (city), Blaine County</b>	
North Canadian River Tributary:	
At State Routes 3 and 33, U.S. Routes 270 and 281	*1,492
Approximately .3 mile upstream of upstream corporate limits	*1,535
Maps available for inspection at the City Hall, 119 N. Weigle, Watonga, Oklahoma 73772.	
Send comments to The Honorable R. B. Chapman, Mayor of the City of Watonga, Blaine County, P.O. Box 564, Watonga, Oklahoma 73772.	
<b>PENNSYLVANIA</b>	
<b>Berlin (township), Wayne County</b>	
Delaware River:	
At downstream corporate limits	*694
At upstream corporate limits	*697
Indian Orchard Brook:	
At downstream corporate limits	*981

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Upstream side of downstream crossing of Camp Navajo Road	*1,011
Upstream side of upstream crossing of Camp Navajo Road	*1,051
Maps available for inspection at the Township Secretary's Home, Vera E. Shields, R.D. 4, Box 885, Honesdale, Pennsylvania 18431.	
Send comments to The Honorable Ray T. Branning, Sr., Chairman of the Township of Berlin Board of Supervisors, Wayne County, R.D. 1, Beach Lake, Pennsylvania 18405.	
<b>PENNSYLVANIA</b>	
<b>Bethel (township), Armstrong County</b>	
Allegheny River:	
At downstream corporate limits	*780
At upstream corporate limits	*787
Crooked Creek:	
Upstream side of CONRAIL bridge	*787
Approximately 1,600 feet upstream of State Route 66	*798
Maps available for inspection at the Township Building, Vandergrift, Pennsylvania.	
Send comments to The Honorable James Riederer, Chairman of the Board of Supervisors of the Township of Bethel, Armstrong County, R.D. #2, Box 313, Vandergrift, Pennsylvania 15690.	
<b>Dunbar (township), Fayette County</b>	
Youghiogheny River:	
Downstream corporate limits	*848
Approximately 2.75 miles upstream of State Route 711	*908
Maps available for inspection at the Municipal Building, Bell Drive, Dunbar, Pennsylvania.	
Send comments to The Honorable Frank Fabien, Chairman of the Township of Dunbar Board of Supervisors, Fayette County, P.O. Box 32, Dunbar, Pennsylvania 15431.	
<b>Germany (township), Adams County</b>	
Piney Creek:	
Approximately 3,000 feet upstream of Mill Road	*560
Approximately 1,650 feet downstream of State Route 97	*570
At State Route 97	*578
Maps available for inspection at the residence of the Township Secretary, David Krebs, 121 Littlestown, Littlestown, Pennsylvania.	
Send comments to The Honorable Fred S. Gerrick, Chairman of the Board of Supervisors for the Township of Germany, Adams County, 990 Gettysburg Road, Littlestown, Pennsylvania 17340.	
<b>Hamiltonban (township), Adams County</b>	
Little Marsh Creek:	
At downstream corporate limits	*644
Approximately 750 feet downstream side of T-315	*675
Approximately 850 feet upstream side of T-315	*703
Toms Creek:	
At downstream corporate limits	*590
Approximately 525 feet of upstream corporate limits	*631
Maps available for inspection at the Residence of the Township Secretary, Phillis Beeche, P.O. Box 494, Fairfield, Pennsylvania.	
Send comments to The Honorable Steve Jacobs, Chairman of the Board of Supervisors of the Township of Hamiltonban, Adams County, 3600 Bull Frog Road, Fairfield, Pennsylvania 17320.	
<b>Highland (township), Adams County</b>	
Marsh Creek:	
At downstream corporate limits	*476
200 feet upstream of upstream corporate limits	*522



PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Maps available for inspection at the residence of the Township Secretary, Laura Neibert, 2840 Fairfield Road, Gettysburg, Pennsylvania.</b>	
Send comments to The Honorable Carl Keller, Chairman of the Board of Supervisors of the Township of Highland, Adams County, 535 Knoxlyn Orrtanna Road, Gettysburg, Pennsylvania 17325.	
<b>Liberty (township), Adams County</b>	
<i>Toms Creek:</i>	
At downstream corporate limits	*444
At upstream corporate limits	*475
<i>Friends Creek:</i>	
Approximately 1,000 feet upstream of Ranch Trail	*476
Approximately 2,150 feet upstream side of Ranch Trail	*491
<i>Middle Creek:</i>	
At downstream corporate limits	*488
Approximately 600 feet upstream of TR-318	*509
<i>Unnamed Tributary to Middle Creek:</i>	
Confluence with Middle Creek	*509
Approximately 2,500 feet upstream side of LR 01072	*522
<b>Maps available for inspection at the Chairman's Residence, 125 Brent Road, Fairfield, Pennsylvania.</b>	
Send comments to The Honorable William Brent, Chairman of the Board of Supervisors of the Township of Liberty, Adams County, 125 Brent Road, Fairfield, Pennsylvania 17320.	
<b>Menallen (township), Adams County</b>	
<i>Opossum Creek:</i>	
Approximately .4 mile downstream of Aspers-Bendersville Road	*598
Approximately .4 mile upstream of State Route 34	*644
<i>Unnamed Tributary to Opossum Creek:</i>	
Confluence with Opossum Creek	*619
At L.R. 01006	*644
<b>Maps available for inspection at the Township Building, Aspers, Pennsylvania.</b>	
Send comments to The Honorable Donald Black, Chairman of the Board of Supervisors of the Township of Menallen, Adams County, Township Building, 170 Memory Lane, Aspers, Pennsylvania 17304.	
<b>Mount Joy (township), Adams County</b>	
<i>White Run:</i>	
Approximately .70 mile downstream of State Route 97 Bridge	*415
Approximately 950 feet downstream of State Route 97 Bridge	*423
Approximately 100 feet downstream of State Route 97 Bridge	*428
Upstream side of State Route 97 Bridge	*431
Approximately 0.41 mile upstream of State Route 97 Bridge	*436
<i>Plum Run:</i>	
At confluence with White Run	*431
Approximately 0.21 mile upstream of confluence with White Run	*432
<i>Rock Creek:</i>	
Upstream side of U.S. Route 15 Bridge	*422
Approximately 0.47 mile upstream of U.S. Route 15 Bridge	*427
Downstream side of State Route 97 Bridge	*432
Approximately 0.17 mile upstream of State Route 97 Bridge	*433
Approximately 0.27 mile upstream of State Route 97 Bridge	*443
Approximately 0.44 mile upstream of State Route 97 Bridge	*456
Approximately 0.6 mile upstream of State Route 97 Bridge	*459
At upstream corporate limits	*461

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
<b>Maps available for inspection at the Township Building, 902 Hoffman Home Road, Gettysburg, Pennsylvania.</b>	
Send comments to The Honorable Harry Hillbert, Chairman of the Board of Supervisors, for the Township of Mount Joy, Adams County, 150 Hickory Road, Littlestown, Pennsylvania 17340.	
<b>Point Marion (borough), Fayette County</b>	
<i>Monongahela River:</i> For entire length affecting community	*808
<i>Cheat River:</i>	
Approximately 600 feet downstream of U.S. Route 119	*808
Approximately 0.6 mile upstream from U.S. Route 119	*809
<b>Maps available for inspection at the Borough Building, 426 Morgantown Street, Point Marion, Pennsylvania.</b>	
Send comments to The Honorable Louis E. Rudolph, Mayor of the Borough of Point Marion, Fayette County, 15 East Street, Point Marion, Pennsylvania 15474.	
<b>Snake Spring (township), Bedford County</b>	
<i>Raystown Branch Juniata River:</i>	
Approximately .35 mile downstream from Lutzville Road	*1,031
Approximately .5 mile upstream from Pennsylvania Turnpike	*1,052
<i>Snake Spring Valley Run:</i>	
Approximately 85 feet downstream from U.S. Route 30	*1,021
Approximately .23 mile upstream from third upstream crossing of State Route 286	*1,070
Approximately .24 mile upstream from T-489	*1,126
<b>Maps available for inspection at the Township Building, R.D. 1, Everett, Pennsylvania.</b>	
Send comments to The Honorable Dawayne Diehl, Chairman of the Board of Supervisors of the Township of Snake Spring, Bedford County, R.D. 1, Box 440, Everett, Pennsylvania 15537.	
<b>TENNESSEE</b>	
<b>Huntingdon (town), Carroll County</b>	
<i>Beaver Creek:</i>	
About 1,900 feet downstream of West Main Street	*375
At confluence of Poison Branch	*381
<i>Brier Creek:</i>	
At mouth	*381
About 1,550 feet upstream of State Route 22 Bypass	*383
<i>Lateral No. 1:</i>	
At mouth	*381
Just downstream of Northwood Drive	*394
<i>Lateral No. 2:</i>	
At mouth	*352
Just downstream of Northwood Drive	*392
<i>Poison Branch:</i>	
About 1,200 feet downstream of Buena Drive	*387
Just downstream of Buena Drive	*390
<i>Unnamed Creek:</i>	
At mouth	*378
About 120 feet upstream of Hawkins Lane	*405
<b>Maps available for inspection at the City Hall, Huntingdon, Tennessee.</b>	
Send comments to The Honorable Jessie Pinckley, Mayor, Town of Huntingdon, City Hall, P.O. Box 666, Huntingdon, Tennessee 38344.	
<b>Pikeville (city), Bledsoe County</b>	
<i>Squatchie River:</i>	
About 3,800 feet downstream of State Route 30	*819
About 3,600 feet upstream of State Route 30	*825
<i>Tributary No. 1:</i>	
Just upstream of William Howard Taft Highway	*810
Just downstream of Alvin York Highway	*813
<i>Tributary No. 2:</i>	

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
About 850 feet downstream of William Howard Taft Highway	*829
About 1,925 feet upstream of Rockford Road	*888
<i>Tributary No. 3:</i>	
About 800 feet downstream of William Howard Taft Highway	*829
About 700 feet upstream of Little's Circle	*851
<b>Maps available for inspection at the City Hall, Pikeville, Tennessee.</b>	
Send comments to The Honorable Jerry Johnson, Mayor, City of Pikeville, P.O. Box 225, Pikeville, Tennessee 37367.	
<b>TEXAS</b>	
<b>Snook (city), Burleson County</b>	
<i>Old River Tributary 1:</i>	
At downstream corporate limits	*228
Upstream side County Route 269	*234
At upstream corporate limits	*239
<i>Old River Tributary 2:</i>	
At confluence with Old River Tributary 1	*228
Approximately 0.6 mile upstream of FM 2155	*244
<i>Old River Tributary 3:</i>	
At confluence with Old River Tributary 1	*233
Approximately 0.6 mile upstream of County Route 269	*241
<b>Maps available for inspection at the City Hall—FM 2155, Snook, Texas.</b>	
Send comments to The Honorable Kim Janke, Mayor of the City of Snook, Burleson County, P.O. Box 10, Snook, Texas 77878.	
<b>VERMONT</b>	
<b>Underhill (town), Chittenden County</b>	
<i>Browns River:</i>	
At downstream corporate limits	*685
Approximately 1.0 mile upstream of downstream corporate limits	*720
Upstream side of River Road	*781
Upstream of Pleasant Valley Road	*802
Approximately 150 feet upstream of Stevensville Road	*822
<i>The Creek:</i>	
Approximately 0.2 mile downstream of downstream corporate limits	*687
At the confluence of Roaring Brook	*694
Downstream of State Route 15	*701
<b>Maps available for inspection at the Selectmen's Vault, Underhill Center, Vermont.</b>	
Send comments to The Honorable Patrick Lampshire, Chairman of the Board of Selectmen of the Town of Underhill, Chittenden County, Town Clerk's Office, P.O. Box 32, Underhill Center, Vermont 05490.	
<b>Wells (town), Rutland County</b>	
<i>Wells Brook:</i>	
Downstream corporate limits	*428
Confluence of Mill Brook	*439
Approximately 1,040 feet upstream of South Street	*515
Approximately 1.1 miles above South Street	*590
Approximately 3.0 miles above South Street	*605
<i>Mill Brook:</i>	
At confluence with Wells Brook	*439
Approximately 150 feet upstream of T.R. 8	*448
Approximately 690 feet downstream of State Route 2	*480
At Little Lake Dam	*486
<i>Lake St. Catherine:</i> At Little Lake Dam	*486
<i>Lake Lucidian:</i> At Little Lake Dam	*499
<b>Maps available for inspection at the Hopson's County Store, Wells, Vermont.</b>	
Send comments to The Honorable Lance Hopson, Town Clerk of the Town of Wells, Rutland County, P.O. Box 585, Wells, Vermont 05774.	



PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<b>WASHINGTON</b>	
<b>Moses Lake (city), Grant County</b>	
<i>Parker Horn:</i>	
Just upstream of Alder Street.....	*1,051
Approximately 980 feet upstream of Alder Street.....	*1,052
At upstream corporate limit.....	*1,054
Maps are available for review at City Hall, 321 Balsam Street, Moses Lake, Washington.	
Send comments to Mayor Norman Johnson, P.O. Drawer 1579, Moses Lake, Washington 98837.	
<b>Wilson Creek (town), Grant County</b>	
<i>Crab Creek:</i>	
At downstream corporate limits.....	*1,278
At the confluence of Wilson and Crab Creeks.....	*1,280
<i>Wilson Creek:</i>	
Just upstream of Sixth Street.....	*1,285
At upstream corporate limits.....	*1,300
Maps are available for review at Town Hall, Fourth and Railroad Streets, Wilson Creek, Washington.	
Send comments to Mayor Roy Mills, Town Hall, P.O. Box 162, Wilson Creek, Washington 98860.	
<b>WEST VIRGINIA</b>	
<b>Barboursville (village), Cabell County</b>	
<i>Mud River:</i> Entire shoreline within community.....	*555
<i>Guyandotte River:</i> Entire shoreline within commu- nity.....	*555
Maps available for inspection at the City Hall, 721 Central Avenue, Barboursville, West Virgini- a.	
Send comments to The Honorable William E. Rucker, Mayor of the Village of Barboursville, Cabell County, P.O. Box 256, Barboursville, West Virginia 25504.	
<b>Harrison County (unincorporated areas)</b>	
<i>West Fork River:</i>	
At downstream County boundary.....	*902
At upstream corporate limits of City of Clarks- burg.....	*948
At upstream County boundary.....	*994
<i>Bingamon Creek:</i>	
At confluence with West Fork River.....	*902
Downstream side of first County Route 8 Bridge crossing.....	*940
Approximately 1,200 feet upstream of County Route 3-1 Bridge.....	*995
<i>Tennile Creek:</i>	
At confluence with West Fork River.....	*920
Downstream side of Indian Run Road Bridge.....	*982
Upstream side of Access Road approximately 1.1 miles upstream of confluence of Rush Run.....	*1,005
<i>Simpson Creek:</i>	
At confluence with West Fork River.....	*927
At upstream County boundary.....	*996

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
<i>Little Tennile Creek:</i>	
At confluence with Tennile Creek.....	*932
Approximately 200 feet upstream of confluence of Caldwell Run.....	*976
Approximately 1.1 miles upstream of confluence of Middle Run.....	*1,022
<i>Limestone Run:</i>	
At City of Clarksburg corporate limits, down- stream side of CSX Transport (B&O) Bridge, approximately 0.5 mile.....	*942
Approximately 50 feet downstream of Wilson- burg Road.....	*981
Downstream side of County Route 50-10 Bridge.....	*1,036
Approximately .77 mile upstream of County Route 50-10.....	*1,073
<i>Elk Creek:</i>	
Approximately 2.6 miles downstream of Cost Avenue Bridge.....	*964
Approximately 250 feet upstream of Hastings Run Road.....	*1,010
At County boundary.....	*1,025
<i>Gnatly Creek:</i>	
At confluence with Elk Creek.....	*1,015
At County boundary.....	*1,042
Maps available for inspection at the Harrison County Planning Commission, 5th Floor, County Courthouse, Clarksburg, West Virginia.	
Send comments to The Honorable Frank X. Lopez, President of the Harrison County Board of Commissioners, 301 West Main Street, Clarksburg, West Virginia 62301.	
<b>Marion County (unincorporated areas)</b>	
<i>Booths Creek:</i>	
At County Route 58.....	*913
At County Route 27-1.....	*930
<i>Buffalo Creek:</i>	
At downstream County boundary.....	*874
At confluence of Johnson Run.....	*919
At CSX Transportation (2nd upstream crossing)....	*952
Approximately .3 mile upstream of confluence of Dents Run.....	*981
<i>Paw Paw Creek:</i>	
At downstream County boundary.....	*868
At County Route 17-18.....	*904
At confluence of Robinson Run.....	*951
Approximately 1,950 feet upstream of County Route 15.....	*992
<i>Prickett Creek:</i>	
Approximately .3 mile downstream, of County Route 73.....	*904
At confluence of Reuben Run.....	*970
Approximately .6 mile upstream of County Route 68-1.....	*1,002
<i>Monongahela River:</i>	
Approximately .7 mile downstream of the con- fluence of Paw Paw Creek.....	*866
Approximately .3 mile upstream of confluence of Paw Paw Creek.....	*868
Approximately 686 feet downstream of the con- fluence of Tygart Valley and West Fork Rivers.....	*875

PROPOSED BASE (100-YEAR) FLOOD  
ELEVATIONS—Continued

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
At confluence of Tygart Valley and West Fork Rivers.....	*875
<i>West Fork River:</i>	
Approximately .34 mile downstream of first up- stream crossing of CSX Transportation.....	*878
Approximately 507 feet upstream of second upstream crossing of CSX Transportation.....	*880
At downstream County boundary.....	*898
Approximately 50 feet upstream of most up- stream crossing of CSX Transportation.....	*898
<i>Bingamon Creek:</i>	
Approximately 148 feet downstream of U.S. Route 19.....	*902
Approximately .5 mile upstream of U.S. Route 19.....	*902
<i>Tygart Valley River:</i>	
At confluence with Monongahela River.....	*875
Approximately 1.5 miles upstream of confluence with Monongahela River.....	*875
<i>Pyles Fork:</i>	
At downstream County boundary.....	*975
At County Route 250-5.....	*990
Approximately .3 mile upstream of confluence of Campbell Run.....	*1,010
Maps available for inspection at the County Commission Office, Room 403, G. Harper Mere- dith Building, Fairmont, West Virginia.	
Send comments to The Honorable Raymond Prozzillo, President of the Marion County Board of Commissioners, 200 Jackson Street, Fair- mont, West Virginia 26554.	
<b>WISCONSIN</b>	
<b>Neosho (village), Dodge County</b>	
<i>Rubicon River:</i>	
About 3300 feet downstream of Schuyler Street..	*867
Just downstream of Schuyler Street.....	*869
Mill Pond: Along entire shoreline.....	*878
Maps available for inspection at the Village Hall, 115 South Schuyler Street, Neosho, Wisconsin.	
Send comments to The Honorable Robert Hanson, Village President, Village of Neosho, Village Hall, 115 South Schuyler Street, Neosho, Wisconsin 53059.	
<b>Princeton (city), Green Lake County</b>	
<i>Fox River:</i>	
About 1.1 miles downstream of Main Street.....	*786
About 1.0 mile upstream of Main Street.....	*788
Maps available for inspection at the City Hall, Clerk's Office, 438 West Main, Princeton, Wis- consin.	
Send comments to The Honorable Davey E. Henschel, Mayor, City of Princeton, City Hall, 438 West Main, Box 53, Princeton, Wisconsin 54968.	

The proposed modified base (100-  
year) flood elevation for selected  
locations are:

## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
California	City of Coronado, San Diego County.	Pacific Ocean.....	Center of Strand Way, 200 feet along the street from its intersection with Pomona Avenue. A point 100 feet due south of the southwest end of Avenida del Sol.	none	*6
				none	*7



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps are available for review at City Hall, 1825 Strand Way, Coronado, California. Send comments to mayor R.H. Dorman, City Hall, 1825 Strand Way, Coronado, California 92118.					
California	City of San Marcos, San Diego County.	San Marcos Creek	Just upstream of Discovery Road	*514	*514
			At the intersection of Mission Road and Twin Oaks Road	*581	*581
		East Branch San Marcos Creek	Approximately 200 feet downstream of Olive Drive	*698	*698
			At confluence with San Marcos Creek	*565	*565
			At the intersection of Mission Road and Richland Road	*634	*634
			Approximately 10 feet downstream of Rock Springs Road	*651	*651
Maps are available for review at City Hall, 105 West Richmar Avenue, San Marcos, California. Send comments to Mayor Lee B. Thibadeau, City Hall, 105 West Richmar Avenue, San Marcos, California 92069.					
California	City of Santa Maria Santa Barbara County.	Bradley Ditch	At downstream corporate limits	None	*197
			Approximately 200 feet upstream of Railroad Avenue	*204	*205
			Approximately 100 feet upstream of U.S. Highway 101 and State Highway 166	*215	*220
			Just downstream of Jones Street and the Santa maria Valley Railroad	*240	*240
Maps are available for inspection at City of Santa Maria Department of Public Works, 810 West Church Street, Santa Maria, California. Send comments to Mayor George Hobbs, City Hall, 110 East Cook Street, Santa Maria, California 93454.					
Georgia	City of Holly Springs, Cherokee County.	Toonigh Creek	Just downstream of Interstate 575	None	*930
			About 1600 feet upstream of Morgan Road	None	*1016
Maps available for inspection at the City Hall, Holly Springs, Georgia. Send comments to The Honorable Grady Payne, Mayor, City of Holly Springs, P.O. Box 603, Holly Springs, Georgia 30142.					
Illinois	Village of Lemont, Cook and DuPage Counties.	Tributary A	At mouth	None	*595
			About 1.22 miles upstream of New Avenue	None	*712
Maps available for inspection at the Building Department, Village Hall, 418 Main Street, 2nd Floor, Lemont, Illinois. Send comments to The Honorable John Nelson, Village President, Village of Lemont Village Hall, 418 Main Street, Lemont, Illinois 60439-3788.					
Mississippi	City of Gulfport, Harrison County	Turkey Creek	About 4.6 miles upstream of mouth	None	*19
		Canal No.1	About 5.7 miles upstream of mouth	None	*22
			Within community	None	*22
Maps available for inspection at the City Hall, Gulfport, Mississippi. Send comments to The Honorable LeRoy Urie, Mayor, City of Gulfport, City Hall, P.O. Box 1780, Gulfport, Mississippi 39502.					
Mississippi	Unincorporated Areas of Harrison County.	Wolf River	At mouth	*12	*12
			About 1.6 miles upstream of State Highway 53	*88	*82
		Tchoutacahoutta	About 0.3 miles upstream of D'Iberville Road	*11	*11
			About 1.8 miles upstream of CC Road	*38	*37
		Tuxachanie Creek	At mouth	*15	*13
			At mouth	None	*11
		Howard Creek	About 2.8 miles upstream of State Route 67	None	*70
			At mouth	None	*11
		Parker Creek	At mouth	None	*74
			About 1.5 miles upstream of State Route 67	None	*26
		Big Creek	At mouth	*26	*56
			About 3.1 miles of upstream of Wolf River Road	*56	*55
		Turkey Creek	At mouth	None	*11
			About 1.6 miles upstream of Landon Road	*50	*50
		Friz Creek Tributary	At mouth	*15	*15
			About 2.2 miles upstream of mouth	*52	*52
		Pole Branch	At mouth	None	*36
			Just downstream of Cable Bridge Road	None	*61
		Canal No. 1	At mouth	None	*12
			Just downstream of 28th Street	*20	*22
		Canal No. 3	At mouth	None	*12
			Just downstream of 28th Street	*14	*22
Maps available for inspection at the County Courthouse, Gulfport, Mississippi. Send comments to The Honorable Hugh B. Snowden, Sr., President, County Board of Supervisors, Harrison County, County Courthouse, P.O. Box CC, Gulfport, Mississippi 39501.					
Missouri	City of Maryland Heights, St. Louis County.	Missouri River	Just upstream of Interstate 70	*456	*456
			About 7.2 miles upstream Interstate 70	*463	*463
		Creve Coeur Creek	About 3.5 feet upstream of mouth	*459	*459
			Just upstream of Creve Coeur Mill Road	*462	*462
		Dorsett Tributary	At mouth	*468	*468
			About 700 feet upstream of Rush Creek Way	*486	*486
		Fee Fee Creek	About 2300 feet downstream of Creve Coeur Mill Road	*457	*457
			Just downstream of Lackland Avenue	*508	*508
		East Tributary Fee Fee Creek	At confluence with Fee Fee Creek	*498	*498



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Midland Creek.....	Just downstream of Lackland Avenue.....	*514	*514
			At confluence with Fee Fee Creek.....	*475	*475
			Just downstream of Adie Road.....	*529	*529
		North Tributary Midland Creek.....	At confluence with Midland Creek.....	*493	*493
			Just downstream of Fee Fee Road.....	*497	*497
Maps available for inspection at the Building Commissioner's Office, City hall, 212 Millwell, Maryland Heights, Missouri.					
Send comments to The Honorable Larry Fitzgerald, Mayor, City of Maryland Heights, City Hall, 212 Millwell, Maryland Heights, Missouri 63043.					
Montana.....	City of Bozeman, Gallatin County..	Mathew-Bird Creek (Restudy area)....	Approximately 340 feet downstream of Mason Street....	*4,877	*4,877
			At confluence with Figgins Creek.....	*4,893	*4,892
			Approximately 800 feet upstream of Kagy Boulevard.....	*4,903	*4,903
		Mathew-Bird Creek (Extended).....	Approximately 275 feet downstream of Graf Street.....	*4,936	*4,936
			Approximately 1900 feet upstream of Graf Street.....	None	*4,960
			Approximately 30 feet downstream of Goldenstein Lane.....	None	*5,021
			Approximately 2340 feet upstream of farm access road.....	None	*5,071
		Figgins Creek.....	At Confluence with Mathew-Bird Creek.....	*4,893	*4,892
			Approximately 400 feet downstream of S. 3rd Avenue....	*4,903	*4,901
			Approximately 150 feet upstream of railroad grade.....	None	*4,935
			Approximately 100 feet upstream of farm access road....	None	*4,970
			Approximately 2750 feet upstream of farm access road.....	None	*5,011
		Nash-Spring Creek.....	Approximately 530 feet downstream of golf course access road.....	*4,935	*4,935
			Approximately 25 feet upstream of farm access road.....	None	*4,960
			Approximately 275 feet upstream of Goldenstein Lane....	None	*5,014
			Approximately 3270 feet upstream of Goldenstein Lane.....	None	*5,050
Maps are available for review at the City Engineer's Office, City Hall, 35 North Bozeman Avenue, Bozeman, Montana.					
Send Comments to Mayor Judith A. Mathrie, City Hall, P.O. Box 640, Bozeman, Maryland 59714					
Nebraska.....	Unincorporated Areas of Dodge County.	Elkhorn River.....	Just upstream of State Highway 91.....	None	*1,195
			At upstream county boundary.....	None	*1,281
Maps available for inspection at the Building Inspector's Office, County Courthouse, 435 North Park, Fremont, Nebraska.					
Sent comments to The Honorable Walt Muruz, Chairman, Board of Supervisors, Dodge County, County Courthouse, 435 North Park, Fremont, Nebraska 68025.					
Nevada.....	Lander County (unincorporated areas).	Reese River.....	Just Downstream of Interstate Highway 80.....	None	*4,514
			Approximately 100 feet upstream of County Road 111A.....	None	*4,536
			Approximately 4,500 feet upstream of County Road 111A.....	None	*4,540
		Humboldt River and Reese River....	Approximately 12,700 feet downstream of State Highway 18A (new State Highway 806).....	None	*4,491
			Just downstream of State Highway 18A.....	None	*4,501
			Approximately 800 feet upstream of State Highway 18A.....	None	*4,505
		Humboldt River.....	Approximately 650 feet upstream of Wagon Road.....	None	*4,506
		Kingston Creek Canyon.....	Approximately 24,000 feet upstream of Wagon Road.....	None	*4,521
			At the intersection of Toyabee Street and the U.S. Forest Service Road.....	None	*#1
		Kingston Creek.....	Approximately 700 feet upstream of the intersection of Toyabee Street and the U.S. Forest Service Road.....	None	*5,977
			Just upstream of Toquimp Way crossing.....	None	*6,240
			Approximately 1,200 feet upstream of Toquimp Way.....	None	*6,295
		Kingston Creek Tributary.....	At confluence with Kingston Creek.....	None	*6,037
			Just upstream of County Road 211.....	None	*6,178
		Kingston Creek Alluvial Fan.....	Approximately 400 feet upstream of County Road 211....	None	*6,200
			1,200 feet downstream of Jefferson Drive.....	None	*#4
			2,000 feet downstream of Jefferson Drive.....	None	*#3
			3,000 feet downstream of Jefferson Drive.....	None	*#2
Maps are available for review at the Lander County Courthouse, County Commissioners' Offices, 315 S. Humboldt, Battle Mountain, Nevada 89820.					
Send comments to Mr. William Elquist, Chairman, Lander County Board of Commissioners, P.O. Box 1655, Battle Mountain Nevada 89820.					
New Jersey.....	Bound Brook, Borough, Somerset County.	Raritan River.....	At Ramney Road.....	#3	*36
			At East High Street.....	#3	*36
Maps available for inspection at the Municipal Building, 230 Hamilton Street, Bound Brook, New Jersey.					
Send comments to The Honorable Michael J. Miller, Mayor of the Borough of Bound Brook, Somerset County, Municipal Building, 230 Hamilton Street, Bound Brook, New Jersey 08805					
New York.....	Dering Harbor, Village, Suffolk County.	North Shelter Island Sound.....	The shoreline at Dering Lane (extended).....	None	*10
			Intersection of Shore Road and Locus Point Road.....	None	*8
Maps available for inspection at the Village Hall, Dering Harbor, New York.					
Send comments to The Honorable Harold Weaver, Jr., Mayor of the Village of Dering Harbor, Suffolk County, P.O. Box K, Shelter Island Heights, New York 11965.					
Oregon.....	City of Baker, Baker County.....	Powder River.....	30 feet upstream of Hughes Lane (corporate limits).....	*3,413	*3,412
			Diversion Weir near "C" Street.....	*3,426	*3,425
			Auburn Avenue.....	*3,439	*3,439
			50 feet upstream of Union Pacific Railroad.....	*3,453	*3,453
			City of Baker southern corporate limits.....	None	*3,476



## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
		Powder River Overflow A.....	At Hughes Lane.....	None	*3,410
			910 feet south of Hughes Lane.....	None	*3,410
		Old Settler's Slough.....	At western corporate limits.....	*3,412	*3,411
			200 feet above Campbell Street.....	*3,423	*3,423
			50 feet below Auburn Avenue.....	*3,435	*3,435
			At divergence from Power River.....	*3,456	*3,456

Maps are available for inspection at the City Planner's Office, City Hall, 1655 First Street, Baker, Oregon 97814.

Send comments to Mayor George W. Gwilliam, P.O. Box 650, Baker, Oregon 97814.

**Harold T. Duryee,**  
Administrator, Federal Insurance  
Administration

Issued: October 5, 1987.

[FR Doc. 87-23538 Filed 10-9-87; 8:45 am]

BILLING CODE 6718-01-M

## FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 87-389; FCC 87-300]

### 47 CFR Parts 2 and 15

#### Revision of Rules Regarding Operation of Radio Frequency Devices Without An Individual License

**AGENCY:** Federal Communications  
Commission (FCC).

**ACTION:** Proposed rule.

**SUMMARY:** This document proposes a number of changes in the technical and administrative provisions for the operation of a non-licensed radio frequency device. This item proposes to standardize the emission limitations between various devices and to establish a number of general usage frequency bands. While this item considers three petitions for rule making (RM-5193, RM-5250 and RM-5575), this action is initiated by the Commission.

**DATES:** Comments must be received on or before December 4, 1987, and Reply Comments must be received on or before January 4, 1988.

**ADDRESS:** Federal Communications  
Commission, 1919 M Street NW.,  
Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:**  
John A. Reed, Technical Standards  
Branch, Office of Engineering and  
Technology, (202) 653-7313.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Notice of Proposed Rule Making* in Gen. Docket No. 87-389, FCC 87-300, Adopted September 17, 1987, and Released October 2, 1987.

The full text of this Commission decision is available for inspection and

copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW. Suite 140, Washington, DC 20037.

#### Summary of Notice of Proposed Rule Making

1. The Commission has permitted the non-licensed operation of certain radio frequency devices, such as receivers and low power transmitters, for almost 50 years. The regulations governing such devices are contained in Part 15 of the rules and are designed in such a manner as to reduce the probability of interference being caused to the authorized radio services. The original regulations were based on a general field strength limit. As devices were designed to operate on higher frequencies, this standard was found to be too restrictive. Since that time, provisions enabling the operation of new types of devices frequently were adopted in response to petitions for rule making that requested authorization only for the specific device in question. This incremental approach to adopting device-specific regulations has resulted in a number of inconsistencies and inequities in the technical standards, generally as a result of the timing of the petitions. By implementing rules that require compliance with specific definitional and operational restrictions, the operational flexibility originally contained and intended in Part 15 has been curtailed. In addition, the standards needed to protect against interference have changed over the years due to improvements in the sensitivity of equipment used in the licensed services, the increased proliferation of licensed and non-licensed operations, and changes in frequency allocations.

2. The Part 15 regulatory plan proposed in this Notice is designed to restore the technical flexibility originally

envisioned for the operation of non-licensed devices, enabling manufacturers to market new RF devices without waiting for the conclusion of rule making considering the interference potential of the devices. The proposed rules seek to eliminate all unnecessary and overly restrictive regulations by proposing minimal standards on operational frequencies, bandwidth, modulation techniques and other parameters. However, in some instances, the decision to permit greater flexibility has required a further reduction in unwanted emissions. In a few instances, we have taken this opportunity to propose more restrictive standards on the permitted levels of unwanted emissions in order to provide a "cleaner" RF environment. In those instances where standards are proposed to be tightened, we also provide a substantial "grandfather" period, 10 years in most instances.

3. The following is a brief summary of some of the more substantial proposed changes to the regulations:

- With certain exceptions, field strength limits and conducted emission limits below 1000 MHz are specified using a CISPR quasi-peak detector, and limits above 1000 MHz are specified in peak values;
- All kits are proposed to be subject to the regulations, including the equipment authorization procedures;
- A power line conducted limit of 250 uV in the frequency range of 450 kHz to 30 MHz is proposed for all devices except carrier current systems operating within that frequency band and Class A digital devices;
- Emission limits for receivers are proposed above 1000 MHz, and the frequency range over which receivers are subject to the regulations is expanded;
- The emission limits for receivers are proposed to be tightened to the Class B digital device limits for the frequency range of 30 to 960 MHz and to 500 uV/m at 3 meters for frequencies above 960 MHz;



- The emission limits for transmitters operating under the general provisions would be increased at frequencies above 1.705 MHz such that within the frequency band of 1.705–30 MHz the general limit is 30 uV/m at 30 meters and above 30 MHz the general limit is the same as proposed for receivers;
- Additional "consumer" bands are established at 13.553–13.567 MHz, 26.96–27.28 MHz, 40.66–40.70 MHz, 49.82–49.90 MHz, 902–928 MHz, 2400–2483.5 MHz, 5725–5875 MHz and 24.0–24.25 GHz; and,
- Peak emissions from transmitters operating under the provisions for periodic operation above 70 MHz, including control and security alarm devices, are proposed to be limited to within 20 dB of the permitted average emission limits.

4. This is a non-restricted notice and comment rule making proceeding. See § 1.1231 of the Commission's rules, 47 CFR 1.1231, for rules governing permissible *ex parte* contacts.

5. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 603, this proceeding will have a significant economic impact on a number of small entities. By providing the regulatory flexibility needed to permit general use, consumer frequency bands, this action should foster an effective competitive marketplace in the area of low power telecommunications, providing small entities the opportunity to develop systems that were not previously permitted under the regulations. Some standards regarding spurious and other undesired emissions from receivers and certain transmitters, primarily those operating in the 27 MHz, 40 MHz, and 49 MHz bands and cordless telephones, are proposed to be tightened. In addition, this Notice proposes to delete the Automatic Vehicle Identification System (§§ 15.221 through 15.228) in the 2.9–4.1 GHz band. It is proposed that kits of radio frequency devices comply with the regulations, including authorization by the Commission, where appropriate. The manufacturers of certain transmitters also may be impacted by the proposed restricted frequency bands. Public comment is requested on the initial regulatory flexibility analysis set out in full in the Commission's complete decision.

6. The collection of information requirement contained in this proposed rule has been submitted to the Office of Management and Budget for review under section 3504(h) of the Paperwork Reduction Act. Persons wishing to comment on this collection of information requirement should direct

their comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Federal Communications Commission.

7. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before December 4, 1987 and reply comments on or before January 4, 1988. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

#### Rule Changes

The proposed text amending Parts 2 and 15 of Title 47 of the Code of Federal Regulations is shown in the Commission's complete decision and is available from its copy contractor.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-23598 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Parts 31 and 32

[CC Docket No. 87-447, FCC 87-313]

#### Common Carrier Services; Amortization of Depreciation Reserve Imbalances of Local Exchange Carriers

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission proposes to amortize the depreciation reserve imbalances of all local exchange carriers for which it prescribes depreciation rates. This amortization authority would not be contingent on concurrence of the State regulatory commission having jurisdiction over the carrier. The Commission proposes a five-year amortization for all carriers for which it has not previously granted amortization authority, and invites comments on the date such amortization should begin.

**DATES:** Comments are due by November 4, 1987, and reply comments by November 18, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Robert W. Spangler, Common Carrier Bureau, (202) 634-1861.

**SUPPLEMENTARY INFORMATION:** This is a summary of the FCC's Notice of Proposed Rulemaking in CC Docket 87-

447, FCC 87-313, adopted October 2, 1987 and released October 5, 1987. The full text of FCC's decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this document may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### Summary of Notice of Proposed Rulemaking

The FCC prescribes depreciation rates and practices for the larger communications common carriers. Each carrier's rates are reviewed every three years and, if necessary, new rates are prescribed. This function is an important part of the Commission's ratemaking activity, because the level of depreciation expense for the carriers is a large part of their costs.

The depreciation reserve is an important indicator of the depreciation process because it is the accumulation of all past depreciation accruals net of plant retirements. Beginning in the late 1960's a substantial reserve imbalance began to materialize as the carriers replaced their electromechanical switches before the expected end of the life of that plant. The depreciation reserve that was needed to match this plant, with its shorter service life (the theoretical reserve), was far in excess of the book depreciation. This difference between the book reserve and the theoretical reserve is referred to as the depreciation reserve imbalance. The Commission initially responded to the problem in the *Property Depreciation Order*, 83 FCC 2d 267 (1980). In that decision, the Commission determined that the life estimates of carriers' plant were too long, that a significant reserve imbalance existed and that the remaining-life method of accounting should be used to clean up the imbalance. Several years later, the Commission determined that in some circumstances, amortization of the reserve imbalance might be required. The imbalances of certain carriers were amortized, over varying periods, under this procedure. However, the authority to amortize was granted only to carriers whose state regulatory commission concurred.

Although the reserve imbalance has decreased in amount since the 1980 decision to use remaining-life depreciation, the Commission is still concerned that the remaining-life method will not eliminate the imbalance



in a timely and uniform manner. Accordingly, the Commission proposes a one-time change in its policy in this area. The proposal is to allow all local exchange carrier to amortize their reserve imbalance over a five-year period. This policy would apply to all carriers which have not been granted amortization authority. No change is proposed for those carriers granted amortizations in 1984 and 1985. Amortizations granted in 1986 will be addressed in a separate proceeding. No carrier would be required to show the concurrence of its state regulatory commission. This proposed policy change would not cause a corresponding increase in carriers' rates, due to changes in economic conditions since 1980, and would be consistent with this Commission's desire to effect cost-based pricing of communications services. Comments are invited as to when the amortization period should start.

#### Ordering Clauses

In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and providing that the fact of the Commission's reliance on such information is noted in the *Report and Order*.

Pursuant to sections 1, 4(i), 4(j), 201 through 205, 218, 220 and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201 through 205, 218, 220 and 403, and section 553 of the Administrative Procedure Act, 5 U.S.C. 553, notice is hereby given of the proposed policy and possible rule changes as set forth in this *Notice of Proposed Rulemaking*.

Interested persons may file comments on the specific proposals discussed herein by the dates specified in the Preamble. In accordance with the provisions of §1.419 of the Commission's Rules, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the comments will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, DC.

Federal Communications Commission.  
William J. Tricarico,  
Secretary

[FR Doc. 87-23597 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-401, RN-5876]

#### Radio Broadcasting Services; Dickson, TN

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Edmisson and Eubank Communications proposing the allotment of Channel 229A to Dickson, Tennessee, as that community's second FM service. A site restriction of 11.3 kilometers (7.0 miles) east of the community is required.

**DATES:** Comments must be filed on or before November 27, 1987, and reply comments on or before December 14, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Edmisson and Eubank Communications, 404 Bellwood Road, Dickson, TN 37055 (Petitioner); and Kirk Tollett, P.O. Box 187, Monterey, TN 38574 (Consultant to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-401, adopted September 4, 1987, and released October 6, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23525 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-402, RM-5784]

#### Radio Broadcasting Services; Canadian, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Megahype Broadcasting, Inc., permittee of FM Station KEZP-FM, Channel 276A at Canadian, Texas, proposing the substitution of Channel 277C1 for Channel 276A and the modification of its construction permit to specify operation on the new frequency, as that community's first wide coverage area FM station.

**DATES:** Comments must be filed on or before November 27, 1987, and reply comments on or before December 14, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Mark Jones, P.O. Box 368, Canadian, Texas 79014 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-402, adopted September 4, 1987, and released October 6, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed



Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23526 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-398, RM-5956]

#### Radio Broadcasting Services; Farwell, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Dominion Communications, Inc., licensee of Station KLZK-FM, Channel 252A, Farwell, Texas, proposing the substitution of Channel 252C2 for 252A at Farwell and modification of its license to specify operation on the higher class channel. The proposal could provide Farwell with its second wide coverage area FM station.

**DATES:** Comments must be filed on or before November 27, 1987, and reply comments on or before December 14, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Arthur V. Belendiuk, Esquire, 1920 N Street NW., Suite 510, Washington, DC 20036 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-398, adopted September 4, 1987, and released October 6, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The

complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23522 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-397, RM-5961]

#### Radio Broadcasting Services; George West, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Larry S. Tschirhart, proposing the allotment of Channel 281A to George West, Texas, as that community's first FM service. Concurrence from the Mexican government is required.

**DATES:** Comments must be filed on or before November 27, 1987, and reply comments on or before December 14, 1987.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Larry S. Tschirhart, 7439 Alverstone Way, San Antonio, Texas 78250 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking, MM Docket No. 87-397, adopted September 4, 1987, and

released October 6, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23521 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-399, RM-5967]

#### Radio Broadcasting Services; Kingwood, WV

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by WFSP, Inc., proposing the allotment of Channel 226A to Kingwood, West Virginia, as that community's second FM service.

**DATES:** Comments must be filed on or before November 27, 1987, and reply comments on or before December 14, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: John E. Fiorini III, Esquire, Heron, Burchette, Ruckert & Rothwell, 1025 Thomas Jefferson Street



NW., Suite 700, Washington, DC 20007 (Counsel for petitioner).

**FOR FURTHER INFORMATION CONTACT:** Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-399, adopted September 4, 1987, and released October 6, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23523 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-400, RM-5809, RM-5908]

#### Radio Broadcasting Services; Mosinee and Shawano, WI

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on two mutually exclusive petitions proposing the allotment of Channel 234C2 to either Mosinee, Wisconsin or Shawano, Wisconsin. William A. Kasten seeks the allotment of Channel 234C2 to Mosinee, Wisconsin, as that community's first FM service. A site restriction 18.6 kilometers (11.6 miles) north of the city is required.

Wheeler Broadcasting, Inc. ("Wheeler"), licensee of FM Station WOWN(FM), Shawano, Wisconsin, seeks the substitution of Channel 234C2 for Channel 257A and modification of its license to specify operation on the new channel, as that community's first wide coverage area station.

**DATES:** Comments must be filed on or before November 27, 1987, and reply comments on or before December 14, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows:

William A. Kasten, P.O. Box 186, Mosinee, WI 54455-0186 (Petitioner at Mosinee, WI)

Julian P. Freret, Esquire, Booth, Freret & Imlay, 1920 N Street, NW., Suite 520, Washington, DC 20036 (Counsel for Wheeler Broadcasting, Inc.)

#### FOR FURTHER INFORMATION CONTACT:

Patricia Rawlings, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-400, adopted September 4, 1987, and released October 6, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.  
Mark N. Lipp,

Chief, Allocations Branch, Mass Media Bureau.

[FR Doc. 87-23524 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-406, RM-5893]

#### Radio Broadcasting Services; Prattville, AL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Downs Broadcasting, Inc., licensee of Station WQIM(FM) (Channel 236A), Prattville, AL, requesting the substitution of Channel 236C2 for Channel 237A and modification of its license accordingly, to provide that community with its first wide coverage area FM service.

**DATES:** Comments must be filed on or before November 30, 1987, and reply comments on or before December 15, 1987.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: James J. Popham, Esq., Hardy & Popham, 700 Camp Street New Orleans, LA 70130-3702.

#### FOR FURTHER INFORMATION CONTACT:

Nancy V. Joyner, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-406, adopted September 11, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in



Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23599 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-405, RM-5886]

#### Radio Broadcasting Services; Spring Hill, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Paul P. Miller, seeking to allot Channel 275A to Spring Hill, Florida, as a first FM service.

**DATES:** Comments must be filed on or before November 30, 1987, and reply comments on or before December 15, 1987.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Paul P. Miller, 6135 Alderwood Street Spring Hill, Florida 33526.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-405, adopted September 14, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory

Flexibility Act of 1980 do not apply to this proceeding.

Member of the public should note that from the time a notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23600 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-403, RM-5776]

#### Radio Broadcasting Services; Douglas, GA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rule making filed by Gerald Lee Carter, proposing to allot Channel 222A to Douglas, Georgia, as a third FM service.

**DATES:** Comments must be filed on or before November 30, 1987, and reply comments on or before December 15, 1987.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lawrence J. Bernard, Jr., Ward and Mendelsohn, 1100 17th Street NW., Suite 900, Washington, DC 20036. (Counsel for petitioner.)

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-403, adopted September 4, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M

Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23601 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-404, RM-5814]

#### Radio Broadcasting Services; McCall, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Mary C. Rhoads, proposing to allot Channel 252A to McCall, Idaho, as a third FM service.

**DATES:** Comments must be filed on or before November 30, 1987, and reply comments on or before December 15, 1987.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Mary C. Rhoads, 1612 Blaine Avenue, Salt Lake City, Utah 84105.

**FOR FURTHER INFORMATION CONTACT:** Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No.



87-404, adopted September 4, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23602 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 87-407, RM-5685 and RM-5925]

#### Radio Broadcasting Services; Mandeville and Lacombe, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on conflicting petitions by William Seiler for the allotment of FM Channel 234A to Mandeville, Louisiana and Richard B. Chase, III, for the allotment of FM Channel 234A to Lacombe, Louisiana.

**DATES:** Comments must be filed on or before November 30, 1987, and reply comments on or before December 15, 1987.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows:

Steve M. Kramer, P.E., Sellmeyer & Kramer Engineers, P.O. Box 841, 10500 Bigham Trail, Suite 100, McKinney, Texas 75069 (Consultant to Richard B. Chase III)

Dennis J. Kelly, Corden & Kelly, 1920 N Street NW., Washington, DC 20036 (Counsel to William Seiler)

**FOR FURTHER INFORMATION CONTACT:** Robert Hayne, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 87-407, adopted September 14, 1987, and released October 7, 1987. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 87-23603 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M



# Notices

Federal Register

Vol. 52, No. 197

Tuesday, October 13, 1987

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Pacific Crest National Scenic Trail Advisory Council; Meeting

The Pacific Crest National Scenic Trail Advisory Council will meet on November 19 and 20, 1987 in Pacific Grove, California. The meeting will begin on November 19 at 8:30 a.m. at the Asilomar Conference Center, 800 Asilomar Blvd., Pacific Grove.

The purpose of the meeting is for the Council to provide recommendations for the Secretary of Agriculture on broad questions of policy, programs, and procedures affecting the Pacific Crest Trail. The meeting will include a review of trail completion status, committee efforts, and other related matters about the trail.

The meeting will be open to the public. Persons who wish additional information should contact Dick Benjamin, Assistant Regional Forester, RW&CR, Pacific Southwest Region, Forest Service, 630 Sansome Street, San Francisco, California 94111, phone (415) 556-6986.

Date: September 9, 1987.

Paul F. Barker,  
Regional Forester.

[FR Doc. 87-23578 Filed 10-9-87; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Office of the Secretary

#### Performance Review Board; Membership

Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Office of the Secretary Senior Executive Service (SES) Performance Appraisal System:

Hugh L. Brennan

Guy W. Chamberlin, Jr.  
John B. Christian  
David L. Edgell  
David Farber  
Mary Ann T. Knauss  
Michael A. Levitt  
Roger J. Whyte  
Otto J. Wolff

Edward A. McCaw,

*Executive Secretary, Office of the Secretary,  
Performance Review Board.*

[FR Doc. 87-23580 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-BS-M

### Foreign-Trade Zones Board

[Docket No. 19-87]

#### Foreign-Trade Zone 8, Toledo, OH; Application for Subzone, Chrysler Auto Components Plants, Toledo Area

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Toledo-Lucas County Port Authority, grantee of FTZ 8, requesting special-purpose subzone status for three Toledo-area plants of the Chrysler Corporation, which produce a variety of components for its North American auto assembly operations. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a through 81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 8, 1987.

The three Chrysler plants, which employ a total of some 1,800 persons, are: The Toledo Machining Plant (169 acres), 8000 Chrysler Drive, Perrysburg (transmission, steering and brake components); the Plastics Plant (22 acres), 3130 W. Monroe, Sandusky (vinyl products); and, the Amplex Plant (38 acres), 1180 Kear Rd., Van Wert (clutch plates, steering couplings, connecting rod caps, rotors and other mechanical parts).

Certain parts and materials for these plants are sourced abroad, including vinyl roll goods, bearings, rotors, sprockets, and parts for transmission, steering and brake components. Foreign materials account for less than 5 percent of total production costs at Chrysler plants.

Zone procedures would exempt Chrysler from Customs duties on the foreign components that are reexported either as auto parts or in assembled autos. On products shipped to U.S. auto

assembly plants with subzone status, the company would be able to take advantage of the same duty rate available to importers of complete automobiles. The duty rates on components used at the five plants range from 3.3 to 11.0 percent, whereas the rate on autos is 2.5 percent. The savings would help improve the company's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John Nelson, District Director, U.S. Customs Service, North Central Region, 6th Floor, Plaza Nine Bldg., 55 Erieview Plaza, Cleveland, OH 44114; and Colonel Daniel R. Clark, District Engineer, U.S. Army Engineer District Buffalo 1776 Niagara St., Buffalo, NY 14207.

Comments concerning the proposed subzone are invited in writing from interested parties. They shall be addressed to the Board's Executive Secretary at the address below and postmarked on or before November 16, 1987.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 234 No. Summit St., Room 704, Toledo, OH 43604  
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 1529, Washington, DC 20230.

Dated: October 5, 1987.

John J. Da Ponte, Jr.,

*Executive Secretary.*

[FR Doc. 87-23639 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[Docket No. 20-87]

#### Foreign-Trade Zone 70, Detroit, MI; Application for Subzone, Yazaki Wiring Harness Plant, Wayne County, MI

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Greater Detroit Foreign-Trade Zone, Inc., grantee of FTZ 70, requesting special-purpose subzone status for the auto wiring harness testing



and distribution facility of American Yazaki Corporation, a subsidiary of Yazaki Corporation of Japan, located in Canton Township, Wayne County, Michigan, adjacent to the Detroit Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 CFR Part 400). It was formally filed on September 16, 1987.

The 22-acre plant, which employs 100 persons, is located at 6700 Haggerty Road, Canton, Wayne County, Michigan. It is used to produce wiring harnesses for the U.S. automobile industry, and to modify, repair, test and distribute wiring harnesses produced abroad. Both the harnesses produced abroad and at the plant contain some 50 percent foreign components such as electrical conductors, terminals, insulators, and connectors.

Wiring harnesses have a 5 percent duty rate and the duty rates on harness components range from 4.0 to 6.1 percent.

Zone procedures would allow Yazaki to avoid Customs duty payments on the items it ships to customers with auto assembly subzones, where duties would be paid at the auto duty rate (2.5 percent).

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; William L. Morandini, District Director, U.S. Customs Service, North Central Region, 477 Michigan Avenue, Detroit, Michigan 48226-2586; and Colonel Robert F. Harris, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Michigan 48231-1027.

Comments concerning the proposed subzone are invited in writing from interested persons and organizations. They shall be addressed to the Board's Executive Secretary at the address below and postmarked on or before November 10, 1987.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 1140 McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania Avenue NW., Room 1529, Washington, DC 20230.

Dated: October 5, 1987.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 87-23638 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DS-M

## International Trade Administration

[A-580-073]

### Bicycle Tires and Tubes From the Republic of Korea; Revocation of Antidumping Finding

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of revocation of antidumping finding.

**SUMMARY:** The U.S. International Trade Commission has determined that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of bicycle tires and tubes from the Republic of Korea covered by the antidumping finding if the finding were to be modified or revoked.

As a result, the Department of Commerce is revoking the antidumping finding on bicycle tires and tubes from the Republic of Korea.

**EFFECTIVE DATE:** September 4, 1987.

**FOR FURTHER INFORMATION CONTACT:** Joseph A. Fargo or John Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255/3601.

**SUPPLEMENTARY INFORMATION:**

#### Background

On April 13, 1979, an antidumping finding on bicycle tires and tubes from the Republic of Korea was published in the *Federal Register* (44 FR 22051).

On April 28, 1987, the U.S. International Trade Commission (ITC), at the request of Korea Inoue Kasei, a Korean manufacturer and exporter of bicycle tires and tubes, instituted an investigation of bicycle tires and tubes from the Republic of Korea under section 751(b) of the Tariff Act of 1930 ("the Tariff Act"). As a result of its investigation the ITC determined that an industry in the United States would not be materially injured, or threatened with material injury, by reason of imports of bicycle tires and tubes from the Republic of Korea covered by the antidumping finding if the finding were to be modified or revoked (52 FR 33660, September 4, 1987).

#### Scope of the Review

Imports covered by the review are shipments of bicycle tires and tubes,

currently classifiable under items 772.4800 and 772.5700 of the Tariff Schedules of the United States Annotated.

#### Revocation of the Finding

The Department of Commerce, as administering authority, revokes the antidumping finding of bicycle tires and tubes from the Republic of Korea. This revocation applies to all entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after September 4, 1987. The Department will instruct the Customs Service to proceed with liquidation of this merchandise without regard to antidumping duties.

Unappraised entries of bicycle tires and tubes from the Republic of Korea, made prior to September 4, 1987 and covered by the finding, remain unaffected by this notice, and continue to be subject to appraisal under the antidumping finding as required by section 751 of the Tariff Act.

The Department is currently conducting its administrative review of the finding on bicycle tires and tubes from the Republic of Korea. The results of this review which covers the period April 1, 1986 through April 21, 1987, will be published in a subsequent notice.

In addition, if a review is requested the Department will conduct an administrative review of shipments of bicycle tires and tubes from the Republic of Korea to the United States from April 22, 1987 to September 4, 1987, the effective date of the revocation. These results will also be published in a subsequent notice.

This revocation is in accordance with section 751(c) of the Tariff Act (19 U.S.C. 1675 (c)).

Dated: October 5, 1987.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 87-23640 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-274-001]

### Carbon Steel Wire Rod From Trinidad and Tobago; Intention To Review and Preliminary Results of Changed Circumstances Administrative Review and Tentative Determination To Revoke Antidumping Duty Order

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of intention to review and preliminary results of changed circumstances administrative review



and tentative determination to revoke antidumping duty order.

**SUMMARY:** Because of changed circumstances, we tentatively determine to revoke the antidumping duty order on carbon steel wire rod from Trinidad and Tobago. The revocation will apply to all entries of carbon steel wire rod from Trinidad and Tobago entered, or withdrawn from warehouse, for consumption on or after October 1, 1984. Interested parties are invited to comment on these preliminary results and tentative determination to revoke.

**EFFECTIVE DATE:** October 1, 1984.

**FOR FURTHER INFORMATION CONTACT:** J. David Dirstine or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-5255.

**SUPPLEMENTARY INFORMATION:**

**Background**

On November 16, 1983, the Department of Commerce ("the Department") published in the *Federal Register* (48 FR 52112) an antidumping duty order on carbon steel wire rod from Trinidad and Tobago. Atlantic Steel Company, Georgetown Steel Corporation, North Star Steel Texas, Inc., and Raritan Steel Company, the petitioners, informed the Department that they are no longer interested in the order and stated their support of revocation of the order. Under section 751 of the Tariff Act of 1930 ("the Tariff Act"), the Department may revoke an antidumping duty order that is no longer of interest to domestic interested parties.

**Scope of the Review**

The United States has developed a system of tariff classification based on the international harmonized system of Customs nomenclature. Congress is considering legislation to convert the United States to this Harmonized System ("HS") by January 1988. In view of this, we will be providing both the appropriate *Tariff Schedule of the United States Annotated* ("TSUSA") item numbers and the appropriate HS item numbers with our product descriptions on a test basis, pending Congressional approval. As with the TSUSA, the HS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

We are requesting petitioners to include the appropriate HS item number(s) as well as the TSUSA item number(s) in all new petitions filed with the Department. A reference copy of the proposed Harmonized System schedule

is available for consultation at the Central Records Unit, Room B-099, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230. Additionally, all Customs offices have reference copies, and petitioners may contact the Import Specialist at their local Customs office to consult the schedule.

Imports covered by the review are shipments of carbon steel wire rod, currently classifiable under item 607.1700 of the TSUSA. These imports are currently classifiable under HS item numbers 7213.3900, 7213.4900, and 7213.5000.

The review covers the period from October 1, 1984.

**Preliminary Results of the Review and Tentative Determination**

As a result of our review, we preliminarily determine that the petitioners' affirmative statements of no interest in continuation of the antidumping duty order on carbon steel wire rod from Trinidad and Tobago provide a reasonable basis for revocation of the order.

Therefore, we tentatively determine to revoke the order on carbon steel wire rod from Trinidad and Tobago effective October 1, 1984. We intend to instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse for consumption on or after October 1, 1984 without regard to antidumping duties and to refund any estimated antidumping duties collected with respect to those entries. The current requirement for a cash deposit of estimated antidumping duties will continue until publication of the final results of this review.

Interested parties may submit written comments on these preliminary results within 30 days of the date of publication of this notice and may request a hearing within 5 days of the date of publication. Any hearing, if requested, will be held 30 days after the date of publication, including its analysis of any such comments or hearing.

This intention to review, administrative review, tentative determination to revoke, and notice are in accordance with sections 751 (b) and (c) of the Tariff Act (19 U.S.C. 1675 (b) and (c)) and §§ 353.53a and 353.54 of the Commerce Regulations (19 CFR 353.53a and 353.54).

Gilbert B. Kaplan,

Acting Assistant Secretary for Import Administration.

Date: October 6, 1987.

[FR Doc. 87-23641 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-068]

**Steel Wire Strand for Prestressed Concrete From Japan; Final Results of Antidumping Duty Administrative Review; Correction**

**AGENCY:** International Trade Administration, Import Administration, Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review; correction.

On February 11, 1987, the Department of Commerce ("the Department") published in the *Federal Register* (52 FR 4373) the final results of its administrative review of the antidumping finding on steel wire strand for prestressed concrete from Japan (43 FR 57599, December 8, 1978).

The results for Mitsubishi Corp. were incorrect because we considered in our review a sale of galvanized steel wire strand, which is not included in the scope of the antidumping finding. Mitsubishi had no sales during the period, and as a result we have determined that no margin exists for Mitsubishi Corp. for the period December 1, 1982 through November 30, 1985.

Because there is no margin for Mitsubishi Corp., the Department waives the cash deposit requirement for this firm.

**EFFECTIVE DATE:** February 11, 1987.

**FOR FURTHER INFORMATION CONTACT:** Edward Haley or Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5289/5255.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

Date: October 5, 1987.

[FR Doc. 87-23642 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DS-M

**Bureau of the Census**

**Census Advisory Committees (CAC) on American Indian and Alaska Native Populations for 1990 Census, Asian and Pacific Islander Populations for 1990 Census, Black Population for 1990 Census, and Hispanic Population for 1990 Census; Public Meeting**

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463 as amended by Pub. L. 94-409), we are giving notice of a joint meeting followed by separate and jointly held meetings (described below) of the CAC on the



American Indian and Alaska Native Populations for the 1990 Census, the CAC on the Asian and Pacific Islander Populations for the 1990 Census, the CAC on the Black Population for the 1990 Census, and the CAC on the Hispanic Population for the 1990 Census. The joint meeting will convene on October 29 and 30, 1987, at the Ramada Hotel, 6400 Oxon Hill Road, Oxon Hill, Maryland 20745.

Each of these committees is composed of 12 members appointed by the Secretary of Commerce. They provide an organized and continuing channel of communication between the communities they represent and the Bureau of the Census on the problems and opportunities of the 1990 decennial census.

The committees will draw on the knowledge and insight of their members to provide advice during the planning of the 1990 Census of Population and Housing on such elements as improving the accuracy of the population count, suggesting areas of research, recommending subject content and tabulations of particular use to the populations they represent, expanding the dissemination of census results among present and potential users of census data in their communities, and generally improving the usefulness of the census product.

The agenda for the October 29 combined meeting that will begin at 8:45 a.m. and end at 3:30 p.m. is: (1) Introductory remarks by the Director, Bureau of the Census; (2) 1990 planning update, which includes dress rehearsal plans, disclosure avoidance plans, undercount behavioral research, and processing offices; (3) special urban survey/focus groups updates and committee members' observation reports; (4) 1990 promotion update; (5) affirmative action status; and (6) regional office responsibilities.

The agendas for the four committees in their separate meetings that will begin at 3:45 p.m. and end at 5 p.m. on October 29 are a discussion of regional activities that includes recruitment and outreach, and consideration of the Census Bureau responses to committee recommendations. The Hispanic Committee will also elect a chairperson.

The agenda for the October 30 combined meeting that will begin at 8:45 a.m. and end at 10:15 a.m. is: (1) 1990 Research, Evaluation, and Experimental (REX) Program; and (2) 1990 data products.

The agendas for the four committees' separate meetings that will begin at 10:30 a.m. and end at 11:45 a.m. on October 30 are as follows:

#### **The CAC on the American Indian and Alaska Native Populations for the 1990 Census**

(1) Update on identification of American Indian areas; (2) data issues for American Indians and Alaska Natives, and (3) selection aids for the 1990 census.

#### **The CAC on the Asian and Pacific Islander Populations for the 1990 Census**

(1) Data issues for Asian and Pacific Islander, and (2) early alert mailout.

*The CAC on the Black Population for the 1990 Census* will discuss the 1990 housing program.

#### **The CAC on the Hispanic Population for the 1990 Census**

(1) Current Population Survey Report on Hispanics, and (2) early alert mailout.

The agenda for the combined meeting that will begin at 1 p.m. and adjourn at 3 p.m. is development and discussion of recommendations, public comments, and presentation of recommendations and plans for the next meeting.

All meetings are open to the public and a brief period is set aside on October 30 for public comment and questions. Those persons with extensive questions or statements must submit them in writing to the Census Bureau official named below at least 3 days before the meeting.

Persons wishing additional information concerning these meetings or who wish to submit written statements may contact Mr. Russell L. Valentine, Assistant Chief for Outreach and Program Information, Decennial Planning Division, Bureau of the Census, Room 3574, Federal Building 3, Suitland, Maryland. (Mailing address: Washington, DC 20233). Telephone: (301) 763-5926.

Date: October 7, 1987.

**John G. Keane,**

*Director, Bureau of the Census.*

[FR Doc. 87-23647 Filed 10-9-87; 8:45 am]

**BILLING CODE 3510-07-M**

#### **National Bureau of Standards**

##### **National Bureau of Standards' Visiting Committee; Meeting**

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the National Bureau of Standards' Visiting Committee will meet Thursday, November 12, 1987, from 8:30 a.m. to 5:30 p.m., and Friday, November 13, 1987, from 8:30 a.m. to 10:00 a.m., in Lecture Room A, Administration Building, National Bureau of Standards, Gaithersburg, Maryland; from 11:00 a.m.

to 12:00 noon in Room 5854, Department of Commerce, Washington, DC.

The NBS Visiting Committee is composed of five members prominent in the field of science and technology and appointed by the Secretary of Commerce.

The purpose of the meeting is to consider the implications of the legislation presently under consideration by Congress.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting. Any person wishing to attend the meeting should inform Peggy Webb, Office of the Director, National Bureau of Standards, Gaithersburg, MD 20899, telephone 301-975-2411.

**Ernest Ambler,**

*Director.*

Date: October 2, 1987.

[FR Doc. 87-23665 Filed 10-9-87; 8:45 am]

**BILLING CODE 3510-13-M**

#### **National Oceanic and Atmospheric Administration**

##### **North Pacific Fishery Management Council; Public Meeting and Public Hearing**

**AGENCY:** National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council and its Bycatch Committee will convene a separate public meeting and hearing at the Northwest and Alaska Fisheries Center, National Marine Fisheries Service as follows:

##### **Bycatch Committee**

Will convene a public meeting October 26, 1987, at 9 a.m., Room 2143, Building 4, 7600 Sand Point Way NE., Seattle, WA, to continue work on developing long-term management for bycatch species in the Gulf of Alaska and Bering Sea/Aleutian Islands; will adjourn on October 30.

##### **Council**

Will convene a public hearing October 27 at 10 a.m., at 2725 Montlake Boulevard, East, Seattle, WA, in the auditorium, to take public comment on an industry proposal to establish and provide procedures to enforce crab bycatch rates in the 1988 Bering Sea joint venture flounder fishery.

For more information contact the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone: (907) 274-4563.



Date: October 5, 1987.

Richard H. Schaefer,  
Acting Director, Office of Fisheries  
Conservation and Management, National  
Marine Fisheries Service.

[FR Doc. 87-23554 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-22-M

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Announcing Bilateral Textile Consultations With Government of Bangladesh To Review Trade in Category 638/639

October 6, 1987.

**FOR FURTHER INFORMATION CONTACT:**  
Kimbang Pham, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
Washington, DC (202) 377-4212.

On August 30, 1987, the Government  
of the United States, under Article 3 of  
the Arrangement Regarding  
International Trade in Textiles and in  
accordance with section 204 of the  
Agricultural Act of 1956, as amended,  
requested consultations with the  
Government of Bangladesh with respect  
to man-made fiber knit shirts and  
blouses in Category 638/639, produced  
or manufactured in Bangladesh.

The purpose of this notice is to advise  
the public that during consultations held  
September 14-17, 1987 between the  
Governments of the United States and  
Bangladesh, agreement was reached on  
a limit for Category 638/639.

The new limit for this category will be  
published upon the exchange of  
diplomatic notes between the  
Governments of the United States and  
Bangladesh.

A summary market statement  
concerning Category 638/639 follows  
this notice.

James H. Babb,  
Chairman, Committee for the Implementation  
of Textile Agreements.

#### Bangladesh—Market Statement

#### Category 638/639—Man-Made Fiber Knit Shirts and Blouses

August 1987.

#### Summary and Conclusions

U.S. imports of Category 638/639 from  
Bangladesh were 619,487 dozen during the  
year ending June 1987, more than ten times  
the 60,023 dozen imported a year earlier.  
During the first six months of 1986, imports of  
Category 638/639 from Bangladesh were  
536,867 dozen, eleven times the 48,163 dozen  
imported during the same period in 1985 and  
four times the amount imported during  
calendar year 1986.

The U.S. market for Category 638/639 has  
been disrupted by imports. The sharp and  
substantial increase of imports from  
Bangladesh has contributed to this  
disruption.

#### U.S. Production and Market Share

U.S. production of man-made fiber knit  
shirts and blouses dropped from 57.7 million  
dozen in 1982 to an average of 52.6 million  
dozen during the 1983-85, a nine percent  
decline. Although U.S. production increased  
to 54.6 million dozen in 1986, it remained five  
percent below the 1982 level. The domestic  
manufacturers' share of the man-made fiber  
knit shirts and blouse market declined from  
73 percent in 1982 to an average 68 percent  
during 1983-85. The domestic manufacturers'  
share dropped to 63 percent in 1986.

#### U.S. Imports and Import Penetration

U.S. imports of Category 638/639 grew from  
21.1 million dozen in 1982 to an average 25.2  
million dozen during 1983-85, a 20 percent  
increase. U.S. imports reached 32.0 million  
dozen in 1986, 27 percent above the 1983-85  
average import level. Imports during the year  
ending June 1987 are nine percent above the  
previous year's level. The ratio of imports to  
domestic production increased from 37  
percent in 1982 to an average 48 percent  
during 1983-85. The ratio jumped to 59  
percent in 1986.

#### Duty Paid Value and U.S. Producers' Price

Approximately 68 percent of Category 638/  
639 imports from Bangladesh during the first  
six months of 1987 entered under TSUSA  
numbers 381.8930—men's and boys' man-  
made fiber knit shirts, excluding sweatshirts,  
T-shirts and tank tops, not ornamented; and  
384.8045—women's and man-made fiber knit  
shirts, excluding sweatshirts, T-shirts and  
tank tops, not ornamented. These garments  
entered the U.S. at duty paid landed values  
below U.S. producers' prices for comparable  
garments.

[FR Doc. 87-23614 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DR-M

### Request for Public Comment on Bilateral Textile Consultations With Government of Socialist Federal Republic of Yugoslavia on Cotton Textile Products in Category 338/339

October 6, 1987.

For further information contact:  
Jerome Turtola, International Trade  
Specialist, Office of Textiles and  
Apparel, U.S. Department of Commerce,  
(202) 377-4212. For information on  
categories on which consultation have  
been requested call (202) 377-3740.

On September 29, 1987, the  
Government of the United States, under  
Article 3 of the Arrangement Regarding  
International Trade in Textiles, done at  
Geneva on December 20, 1973, as further  
extended on July 31, 1986, and in  
accordance with section 204 of the  
Agricultural Act of 1956, requested the

Government of the Socialist Federal  
Republic of Yugoslavia to enter into  
consultations concerning exports to the  
United States of cotton knit shirts and  
blouses in Category 338/339, produced  
or manufactured in Yugoslavia.

The purpose of this notice is to advise  
the public that, if no solution is agreed  
upon in consultation with the  
Government of the Socialist Federal  
Republic of Yugoslavia, the Committee  
for the Implementation of Textile  
Agreements may later establish a limit  
for the entry and withdrawal from  
warehouse for the consumption of  
textile products in Category 338/339,  
produced or manufactured in Yugoslavia  
and exported to the United States during  
the twelve-month period which began  
on September 29, 1987 and extends  
through September 28, 1988 at a level of  
313,100 dozen.

A summary market statement  
concerning this category follows this  
notice.

Anyone wishing to comment or  
provide data or information regarding  
the treatment of Category 338/339 or in  
any other aspect thereof, or to comment  
on domestic production or availability of  
textile products included in this  
category, is invited to submit such  
comments or information in ten copies  
to Mr. James H. Babb, Chairman,  
Committee for the Implementation of  
Textile Agreements, International Trade  
Administration, U.S. Department of  
Commerce, Washington, DC 20230.  
Because the exact timing of the  
consultations is not yet certain,  
comments should be submitted  
promptly. Comments or information  
submitted in response to this notice will  
be available for public inspection in the  
Office of Textiles and Apparel, Room  
3100, U.S. Department of Commerce,  
14th and Constitution Avenue NW.,  
Washington, DC, and may be obtained  
upon written request.

Further comment may be invited  
regarding particular comments or  
information received from the public  
which the Committee for the  
Implementation of Textile Agreements  
considers appropriate for further  
consideration.

The solicitation of comments  
regarding any aspect of the agreement  
or the implementation thereof is not a  
waiver in any respect of the exemption  
contained in 5 U.S.C. 553(a)(1) relating  
to matters which constitute "a foreign  
affairs function of the United States."

A description of the textile categories  
in terms of T.S.U.S.A. numbers was  
published in the *Federal Register* on  
December 13, 1982 (47 FR 55709), as  
amended on April 7, 1983 (48 FR 15175),



May 3, 1983 (48 FR 19924), December 14, 1983, (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 16622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386), July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of the United States Annotated* (1987).

Adoption by the United States of the Harmonized Commodity Code (HCC) may result in some changes in the categorization of textile products covered by this notice. Notice of any necessary adjustments to the limits affected by adoption of the HCC will be published in the *Federal Register*.

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

#### Yugoslavia—Market Statement

##### Category 338/339—Cotton Knit Shirts and Blouses

September 1987.

#### Summary and Conclusions

U.S. imports of Category 338/339 from Yugoslavia were 313,100 dozen during the year ending June 1987, more than 16 times the 18,776 dozen imported a year earlier. During the first six months of 1987, imports of Category 338/339 from Yugoslavia reached 245,464 dozen, 24 times the 10,262 dozen imported during the same period of 1986 and three times the total imported in calendar year 1986.

The market for Category 338/339 has been disrupted by imports. The sharp and substantial increase in imports from Yugoslavia has contributed to this disruption.

#### U.S. Production and Market Share

U.S. production of cotton knit shirts and blouses has been on the decline, dropping from 24.6 million dozen in 1982 to a depressed 19 million dozen in 1985, a decline of 23 percent. Production in 1986 partially recovered from 1985, reaching 20.4 million dozen, but remained 12 percent below the 1984 level and 16 percent below the 1983 level. The domestic manufacturers' share of the market dropped 19 percentage points in four years, falling from 63 percent in 1982 to 44 percent in 1986.

#### U.S. Imports and Import Penetration

U.S. imports of Category 338/339 grew from 14.6 million dozen in 1982 to 25.5 million dozen in 1986, a 74 percent increase. During the first six months of 1987, imports of Category 338/339 reached 17.8 million dozen, 34 percent above the level imported during the same period in 1986. The ratio of imports to domestic production more than doubled, increasing from 60 percent in 1982 to 125 percent in 1986.

#### Duty-Paid Value and U.S. Producers' Price

Approximately 67 percent of Category 338/339 imports from Yugoslavia during the first six months of 1987 entered under TSUSA numbers 384.2806—women's, girls' and

infants' cotton knit tank tops, not ornamented; 384.2815—women's cotton knit blouses, excluding tank tops, not ornamented; 384.2915—women's and girls' cotton t-shirts, not ornamented; and 384.2980—infants' (excluding infant boys' over 24 months of age) cotton knit shirts, excluding T-shirts and sweatshirts, not ornamented. These garments entered the U.S. at duty-paid landed values below U.S. producers' prices for comparable garments.

[FR Doc. 87-23615 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DR-M

### Amendment to the Bilateral Agreement and Visa and Exempt Requirements Concerning Textile and Apparel Products From Taiwan

October 6, 1987.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on October 6, 1987. For further information contact Pamela Smith, International Trade Specialist (202) 377-4212.

#### Background

Under the terms of the bilateral agreement of November 18, 1982, as amended and extended, and the visa arrangement and exempt certification of August 16, 1972, as amended and extended, concerning textile and apparel products from Taiwan, agreement was reached to further amend the agreement and the visa and exempt certification requirements to reflect that, effective on October 6, 1987, only shipments of textile and apparel products exported from Taiwan on and after October 6, 1987, which are imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.\$250 or less, do not require a visa or exempt certification for entry and shall not be charged to the agreement levels. All other commercial shipments, regardless of value, now require a visa or exempt certification for entry of traditional Chinese items.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), July 14, 1986 (51 FR 25386),

July 29, 1986 (51 FR 27068) and in Statistical Headnote 5, Schedule 3 of the *Tariff Schedules of the United States Annotated* (1987).

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements*  
October 6, 1987.

### Committee for the Implementation of Textile Agreements.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of September 27, 1972, as amended, concerning an export visa requirement for certain textile and apparel products, produced or manufactured in Taiwan.

Effective on October 6, 1987, entry of all textile and apparel products exported into the United States from Taiwan on or after October 6, 1987, which are imported for the personal use of the importer and not for resale, regardless of value, and all properly marked commercial sample shipments valued at U.S.\$250 or less, do not require a visa or exempt certification for entry and shall not be charged to the agreement levels. All other commercial shipments, regardless of value, now require a visa or exempt certification for entry of traditional Chinese items.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553.

Sincerely,

James H. Babb,

*Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 87-23616 Filed 10-9-87; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board Task Force on B-1B Defensive Avionics; Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board Task Force on B-1B Defensive Avionics will meet in closed session on October 27-28, November 24-25, December 22-23, 1987 and January 12-13, 1988 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will evaluate the status of the Air Force B-1B Defensive Avionics Program.

In accordance with section 10(d) of the Federal Advisory Committee Act,



Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Linda Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

October 7, 1987.

[FR Doc. 87-23644 Filed 10-9-87; 8:45 am]

BILLING CODE 3810-01-M

#### **Defense Science Board Task Force on Low Observable Technology Subgroup; Change in Date of Advisory Committee Meeting**

**ACTION:** Change in Date of Advisory Committee Meeting.

**SUMMARY:** The meeting of the Defense Science Board Task Force on Low Observable Technology Subgroup scheduled for October 16, 1987, as published in the *Federal Register* (Vol. 52, No. 121, Page 23711, Wednesday, June 24, 1987, FR Doc. 87-14305) will be held on October 26, 1987.

Linda Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

October 7, 1987.

[FR Doc. 87-23643 Filed 10-9-87; 8:45 am]

BILLING CODE 3810-01-M

#### **Defense Science Board Task Force on Low Observable Technology Subgroup; Advisory Committee Meetings**

**ACTION:** Notice of Advisory Committee Meetings.

**SUMMARY:** The Defense Science Board Task Force on Low Observable Technology Subgroup will meet in closed session on November 18-19, 1987 at the Institute for Defense Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will evaluate low observable technology.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c) (1) (1982), and that accordingly

these meetings will be closed to the public.

Linda Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

October 7, 1987

[FR Doc. 87-23645 Filed 10-9-87; 8:45 am]

BILLING CODE 3810-01-M

#### **Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise; Advisory Committee Meetings**

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board Task Force on Security Subgroup on Technological and Operational Surprise will meet in closed session on October 28, 1987 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will evaluate the potential for technological and operational surprise in the U.S.-Soviet military competition.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Linda Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

October 7, 1987.

[FR Doc. 87-23646 Filed 10-9-87; 8:45 am]

BILLING CODE 3810-01-M

#### **Department of the Air Force**

##### **USAF Scientific Advisory Board; Meeting**

September 29, 1987.

The USAF Scientific Advisory Board Aeronautical Systems Division (ASD) Advisory Group will meet on November 12, 1987, from 8:00 a.m. to 5:00 p.m. and on November 13, 1987, from 8:00 a.m. to 4:00 p.m. at Aeronautical Systems Division Headquarters, Building 14, Wright Patterson Air Force Base, Ohio.

The purpose of this meeting is to receive briefings on and to advise the Commander, ASD, on integrated engineered electronics, industrial base modernization, mission opportunities for

airship technologies, and the mechanical subsystems integrity program.

This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 87-23579 Filed 10-9-87; 8:45 am]

BILLING CODE 3910-01-M

#### **DEPARTMENT OF EDUCATION**

##### **Proposed Information Collection Requests**

**AGENCY:** Department of Education.

**ACTION:** Notice of proposed information collection requests.

**SUMMARY:** The Director, Information Technology Services, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

**DATE:** Interested persons are invited to submit comments on or before November 12, 1987.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place NW., Room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Margaret B. Webster, Department of Education, 400 Maryland Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202.

**FOR FURTHER INFORMATION CONTACT:** Margaret B. Webster (202) 732-3915.

**SUPPLEMENTARY INFORMATION:** Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.



The Director, Information Technology Services, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Agency form number (if any); (4) Frequency of collection; (5) The affected public; (6) Reporting burden; and/or (7) Recordkeeping burden; and (8) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from Margaret Webster at the address specified above.

Dated: October 7, 1987.

Carlos U. Rice,

Director for Information Technology Services.

#### Office of Educational Research and Improvement

*Type of Review:* Reinstatement  
*Title:* National Education Longitudinal Study of 1988 (NELS:88)

*Agency Form Number:* G50-21P

*Frequency:* Once only

*Affected Public:* Individuals or households

*Reporting Burden: Responses:* 56,950;  
*Burden Hours:* 80,814

*Recordkeeping Burden: Recordkeepers:* 0; *Burden Hours:* 0

*Abstract:* This study will collect information from eighth graders and their parents, school administrators, and teachers about educational, vocational, and personal development of these students. The Department will use this data to prepare and submit various reports to Congress.

*Type of Review:* Revision  
*Title:* Schools and Staffing Survey  
*Agency Form Number:* G50-25P

*Frequency:* On occasion

*Affected Public:* Individuals or households; state or local governments; businesses or other for-profit; non-profit institutions; small businesses or organizations

*Reporting Burden: Responses:* 93,817;  
*Burden Hours:* 107,558

*Recordkeeping: Recordkeepers:* 0; *Burden Hours:* 0

*Abstract:* The purpose of this survey is to provide national and state estimates of teacher demand and shortage, school conditions and staffing, teacher qualifications, and administrator background. These data will be used by policy makers at national, state and local levels.

#### Office of Elementary and Secondary Education

*Type of Review:* Extension

*Title:* Application for the Magnet Schools Assistance Program  
*Agency Form Number:* A10-1P

*Frequency:* Annually

*Affected Public:* State or local governments

*Reporting Burden: Responses:* 48;  
*Burden Hours:* 656

*Recordkeeping: Recordkeepers:* 0; *Burden Hours:* 0

*Abstract:* This application is used by local educational agencies to apply for magnet school projects. The Department needs this information to make awards and insure that proposed projects meet the requirements of the statute and regulations.

#### Office of Bilingual Education and Minority Language Affairs

*Type of Review:* Extension

*Title:* Demonstration and Compliance with Terms and Conditions of the Bilingual Fellowship Contract

*Agency Form Number:* ED 4561-3

*Frequency:* Annually

*Affected Public:* Individuals or households

*Reporting Burden: Responses:* 500;  
*Burden Hours:* 1000

*Recordkeeping: Recordkeeper:* 0; *Burden Hours:* 0

*Abstract:* this form will be used by any person who has received a Bilingual Education Fellowship to demonstrate compliance with the program regulations. The Department uses this information to determine the recipients' compliance with the terms and conditions of the Bilingual Education Fellowship Agreement.

[FR Doc. 87-23573 Filed 10-9-87; 8:45am]

BILLING CODE, 4000-01-M

#### Executive Committee, National Advisory Council on Indian Education; Meeting

**AGENCY:** Education.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Executive Committee of the National Advisory Council on Indian Education. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2. This document is intended to notify the general public of their opportunity to attend.

**DATE:** October 26, 1987, 2:00 p.m. until conclusion of business.

**ADDRESS:** Sheraton Bismarck Galleria, P.O. Box 2718, Sixth & Broadway,

Bismarck, North Dakota 58502 (701/255-6000).

#### FOR FURTHER INFORMATION CONTACT:

Lincoln C. White, Executive Director, National Advisory Council on Indian Education, 2000 L Street NW., Suite 574, Washington, DC 20036 (202/634-6160).

**SUPPLEMENTARY INFORMATION:** The National Advisory Council on Indian Education is established under Section 442 of the Indian Education Act (20 U.S.C. 1221g). The Council is established to, among other things, assist the Secretary of Education in carrying out responsibilities under the Indian Education Act (Title IV of Pub. L. 92-318), and to advise Congress, and the Secretary of Education, the Under Secretary of Education and the Assistant Secretary of Elementary and Secondary Education with regard to education programs benefiting Indian children and adults.

The meeting will be open to the public. The proposed agenda includes:

- (1) Chairman's Report.
- (2) NACIE Budget—FY'88.
- (3) Plans an agenda for NACIE activities.
- (4) Committee assignments.
- (5) Other business.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 2000 L Street, NW., Suite 574, Washington, DC 20036.

Dated: October 2, 1987.

Signed at Washington, DC.

Lincoln C. White,

Executive Director, National Advisory Council on Indian Education.

[FR Doc. 87-23613 Filed 10-9-87; 8:45 am]

BILLING CODE 4000-01-M

#### DEPARTMENT OF ENERGY

##### Divestiture of the Great Plains Coal Gasification Project (GPCGP)

On February 26, 1987, the Department of Energy engaged Shearson Lehman Brothers, one of the world's largest securities firms, to assist the Department in marketing the Great Plains coal-to-synthetic gas plant in North Dakota.

The Great Plains Coal Gasification Plant, near Beulah, ND, was built originally at a cost of \$2.1 billion. It was acquired by the Department of Energy when its private sponsors defaulted on approximately \$1.5 billion in federal loans in 1985. The Department has operated the facility since the default but desires to return the plant to the private sector.



The Department has authorized Shearson Lehman to initiate the sales process, the first phase of which is to provide broad public notice of the sale and to contact prospective buyers.

Parties with a possible interest in purchasing the facility are referred to: Mr. Jeremy Diamond, Shearson Lehman Brothers, Inc. American Express Tower, World Financial Center, New York, New York 10285-1800

A Copy of the Shearson Descriptive Memorandum for the Great Plains Gasification Project is available in the Department of Energy's Public Reading Room (Room 1E-190), Forrestal Building, 1000 Independence Avenue SW., Washington, DC.

Issued in Washington, DC, on October 6, 1987.

J. Allen Wampler,

*Assistant Secretary, Fossil Energy.*

[FR Doc. 87-23562 Filed 10-9-87; 8:45 am]

BILLING CODE 6450-01-M

#### **Inventories & Storage Task Group National Petroleum Council; Open Meeting**

Notice is hereby given of the following meeting:

Name: Inventories & Storage Task Group of the Coordinating Subcommittee on Petroleum Storage and Transportation of the National Petroleum Council.

Date and time: Thursday, October 22, 1987, 9 AM.

Place: National Petroleum Council, Conference Room, 1625 K Street, NW, Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE-1), Washington, DC 20585. Telephone: 202/586-4695.

#### **Purpose of the Parent Council**

To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries.

#### **Purpose of the meeting**

To organize Task Group and discuss assignments.

#### **Tentative Agenda:**

- Opening remarks by Chairman and Government Cochairman.
- Establish the Task Group organization.
- Discuss the individual assignments.
- Discuss any other matters pertinent to the overall assignment.

#### **Public Participation**

The meeting is open to the public. The Chairman of the Inventories & Storage

Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact Ms. Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

#### **Transcript**

Available for public review and copying at the Public Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9:00 a.m. and 4:00 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on October 6, 1987.

J. Allen Wampler,

*Assistant Secretary Fossil Energy.*

[FR Doc. 87-23563 Filed 10-9-87; 8:45 am]

BILLING CODE 6450-01-M

#### **Federal Energy Regulatory Commission**

[Docket No. TA88-1-46-000]

#### **Kentucky West Virginia Gas Co.; Proposed Change in FERC Gas Tariff**

October 6, 1987.

Take notice that Kentucky West Virginia Gas Company (Kentucky West) on September 30, 1987, tendered for filing with the Federal Energy Regulatory Commission (Commission) the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1, to become effective November 1, 1987:

First Revised Sheet No. 40

First Revised Sheet No. 41

Kentucky West states that the foregoing tariff sheets reflect changes in the tariff sheets filed in Docket No. RP87-147-000 on September 23, 1987, to become effective October 1, 1987. Kentucky West also states that the filing in Docket No. RP87-147-000 was made to update its tariff and to provide for an Annual Charge Adjustment Provision. Kentucky West states, however, that if the Commission believes the PGA filing tendered herewith should reflect changes in the tariff sheets presently in effect prior to October 1, 1987, then Kentucky West, in the alternative, requests that the following tariff sheets

be accepted to become effective November 1, 1987:

Thirty-Ninth Revised Sheet No. 27

Twenty-Fourth Revised Sheet No. 27A

If these alternate tariff sheets are accepted, Kentucky West submits it should be with the later right to file the appropriate tariff sheets upon Commission action accepting the tariff sheets filed in Docket No. RP87-147-000.

Kentucky West states that the change in rates results from the application of the Purchase Gas Cost Adjustment provision in section 18, General Terms and Conditions of its FERC Gas Tariff.

Kentucky West states that the current purchase gas adjustment is an increase of 19.83¢ per dekatherm (dth) and that the deferred gas cost adjustment is an increase of 5.46¢ per dth. These changes, Kentucky West asserts, result in a total net jurisdiction purchase gas cost charge of 193.77¢ per dth, to become effective November 1, 1987.

Kentucky West states that a copy of its filing has been served upon its purchasers and interested state commissions and upon each party on the service list of Docket No. RP86-52.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

*Secretary.*

[FR Doc. 87-23625 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP87-86-001]

#### **KN Energy, Inc.; Compliance Filing**

October 6, 1987.

On September 30, 1987, KN Energy, Inc. ("KN") tendered for filing the following tariff sheets in Third Revised Volume No. 1 of its FERC Gas Tariff:

Substitute Twenty-Eighth Revised Sheet No. 4

Substitute Seventh Revised Sheet No. 4B

Substitute Sixth Revised Sheet No. 14



KN states that the purpose of these substitute tariff sheets is to comply with the Commission's September 11, 1987 suspension order issued in Docket No. RP87-86-000, which directed KN to eliminate the selective discount authority proposed in Rate Schedules IOR-1 and IOR-2 and to eliminate the filed Annual Charge Adjustment.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23620 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-7-000]

**K N Energy, Inc.; Tariff Filing**

October 6, 1987.

On September 30, 1987, K N Energy, Inc. ("KN") tendered for filing the following revised tariff sheets:

**Third Revised Volume No. 1**

Twenty-Ninth Revised Sheet No. 4  
Eighth Revised Sheet No. 4B  
Second Revised Sheet No. 16  
Fifth Revised Sheet No. 27B  
Fifth Revised Sheet No. 27C

**Second Revised Volume No. 2**

First Revised Sheet No. 21  
Second Revised Sheet No. 42  
First Revised Sheet No. 68A  
Fourth Revised Sheet No. 97  
First Revised Sheet No. 165  
First Revised Sheet No. 190  
First Revised Sheet No. 204

KN states that these tariff sheets implement an Annual Charge Adjustment (ACA) and unit charge and requests that the tariff sheets be made effective on October 1, 1987. KN also requests clarification that Order No. 472 assesses annual charges based on local distribution sales by KN and requests that the Commission protect KN from undercollecting the Fiscal Year 1987 annual bill if Order No. 472 *et al.* are reversed on appeal.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23622 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-59-000]

**Northern Natural Gas Co.; Change in Rates and Tariff Revisions**

October 6, 1987.

Take notice that on October 1, 1987, Northern Natural Gas Company, Division of Enron Corp. (Northern), tendered for filing with the Commission to be effective November 1, 1987 the following tariff sheets to be included in Northern's F.E.R.C. Gas Tariff, Third Revised Volume No. 1:

**Third Revised Volume No. 1**

Forty-Fifth Revised Sheet No. 4a  
Forty-Ninth Revised Sheet No. 4b  
Seventeenth Revised Sheet No. 4b.1

**Original Volume No. 2**

Fifty-Sixth Revised Sheet No. 1c

Northern states that the purpose of the revised tariff sheets is to adjust its jurisdictional natural gas sales rates to reflect its purchased gas cost from Canadian suppliers in a manner consistent with Commission Opinion Nos. 256 and 256-A.

In accordance with the terms established in Northern's Stipulation and Agreement in Docket No. TA86-3-59 and approved by the Commission on January 30, 1987, Northern will file to adjust its market area sales commodity and demand rates to comply with the requirements of the order in the Natural Gas Pipeline Company (NGPL) proceeding in Docket No. TA85-1-26-004 if the outcome of that proceeding is different than Northern's current treatment.

Northern states that the effect of the proposed changes will be to transfer

approximately \$3.3 million from its demand rates to its commodity rates and will increase the Company's commodity PGA rate by \$.008 per Mcf. The decrease in Northern's D-1 rate will be \$.056 per Mcf and the D-2 rate will decrease by \$.0019 per Mcf.

Copies of the filing were served on all of Northern's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC, 20426, in accordance with the Commission's Rules of Practice & Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23626 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-4-000]

**Northwest Alaskan Pipeline Co.; Tariff Changes**

October 6, 1987.

Take notice that on October 1, 1987, Northwest Alaskan Pipeline Company ("Northwest Alaskan"), 295 Chipeta Way, Salt Lake City, Utah 84108-899, tendered for filing in Docket No. RP88-4-000 the following tariff sheets to its FERC Gas Tariff Original Volume No. 2:

Fourth Revised Sheet No. 200  
Third Revised Sheet No. 201  
Fourth Revised Sheet No. 207  
Fourth Revised Sheet No. 208  
Third Revised Sheet No. 213B  
Third Revised Sheet No. 213C  
Third Revised Sheet No. 213D  
Third Revised Sheet No. 213E  
Fourth Revised Sheet No. 221  
Third Revised Sheet No. 250  
Fourth Revised Sheet No. 258  
Fourth Revised Sheet No. 259  
Original Sheet No. 259A  
Third Revised Sheet No. 272E  
Second Revised Sheet No. 272F  
Original Sheet No. 272F-A  
Fifth Revised Sheet No. 286

Northwest Alaskan states that it is submitting these sheets to reflect changes in the commodity charges and minimum volume requirements for



Canadian gas purchased by Northwest Alaskan from Pan-Alberta Gas Ltd. ("Pan-Alberta") and resold to Panhandle Eastern Pipe Line Company ("Panhandle") under Rate Schedule X-2.

Northwest Alaskan states that it is submitting the above tariff sheets pursuant to the provisions of the amended purchase agreement dated November 1, 1987, between Northwest Alaskan and Panhandle.

Northwest Alaskan states that these tariff changes are beneficial to Panhandle in that the commodity charges for gas purchased and the minimum annual volumes will be reduced. Panhandle will also have greater flexibility in scheduling its daily minimum purchases during the months May-September. For maintenance of a ready supply far in excess of the substantially reduced minimum take obligations, a Panhandle Supply Reservation Payment will be made with respect to takes below certain levels.

Northwest Alaskan requests that the above sheets become effective November 1, 1987.

Northwest Alaskan states that a copy of this filing is being served on Northwest Alaskan's customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23624 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA88-1-49-000]

### Williston Basin Interstate Pipeline Co.; Purchased Gas Cost Adjustment Filing

October 6, 1987.

Take notice that on September 30, 1987, Williston Basin Interstate Pipeline Company (Williston Basin), Suite 200, 304 East Rosser Avenue, Bismarck, North Dakota 58501, tendered for filing as part of its FERC Gas Tariff the following tariff sheets:

#### First Revised Volume No. 1

Sixth Revised Sheet No. 10

Third Revised Sheet No. 11

#### Original Volume No. 1-A

Fourth Revised Sheet No. 275

Third Revised Sheet Nos. 275A-275B

Fourth Revised Sheet No. 276

First Revised Sheet No. 276A

Fourth Revised Sheet No. 277

#### Original Volume No. 2

Ninth Revised Sheet No. 10

Tenth Revised Sheet No. 11

Williston Basin states that it prepared the instant PGA filing without benefit of the anticipated Commission order relative to the Company's compliance filing in Docket No. TA87-4-49-000, filed July 1, 1987.

The proposed effective date of the tariff sheets is November 1, 1987.

Williston Basin states the tariff sheets in Sixth Revised Sheet No. 10 and Third Revised Sheet No. 11 (First Revised Volume No. 1) and Ninth Revised Sheet No. 10 and Tenth Revised Sheet No. 11 (Original Volume No. 2) and the schedules in support thereof were computed in adherence to Williston Basin's PGA clause and the Commission's Rules and Regulations. The changes herein reflect a cumulative gas cost adjustment for Rate Schedules G-1, SGS-1, I-1 and X-1 of a negative 47.493 cents per dkt. The surcharge adjustment for Rate Schedules G-1, SGS-1 and I-1, is a negative 16.453 cents per dkt. These changes produce a net decrease in rates for Rate Schedules G-1, SGS-1 and I-1 of 24.723 cents per dkt and a net decrease of 15.021 cents per dkt for Rate Schedule X-1, relative to Williston Basin's compliance PGA filing of July 1, 1987. Rate Schedule X-5 reflects a cumulative gas cost adjustment of a negative 12.577 cents per dkt, an increase of .032 cents per dkt.

Williston Basin states that the projected price of deregulated gas supplies reflect the price last agreed-to by the various suppliers of natural gas.

Williston Basin has also submitted, pursuant to § 154.41(b) of the Commission's Regulations, Fourth Revised Sheet No. 275, Third Revised Sheet Nos. 275A-275B, Fourth Revised Sheet No. 276, First Revised Sheet No. 276A and Fourth Revised Sheet No. 277 (Original Volume No. 1-A), to update its "Index of Purchasers."

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of

Practice and Procedure (16 CFR 385.211 and 385.214). All such motions or protests should be filed on or before October 13, 1987. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a motion to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23623 Filed 10-9-87; 8:45 am]

BILLING CODE 6717-01-M

### Office of Hearings and Appeals

#### Issuance of Decisions and Orders; Week of June 22 Through June 26, 1987

During the week of June 22 through June 26, 1987, the decisions and orders summarized below were issued with respect to applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

#### Remedial Orders

*Cougar Oil Marketers, Inc., Ira Wynn Sanborn, 6/24/87, HRO-0262*

Cougar Oil Marketers, Inc. (Cougar) and Ira Wynn Sanborn (Sanborn) objected to a Proposed Remedial Order (PRO) which the DOE's Economic Regulatory Administration (ERA) issued to them on September 21, 1984. In the PRO, the ERA alleged that during the period November 1979 through January 1981, Cougar committed violations of the crude oil reseller "layering regulation," 10 CFR 212.186. The ERA also sought to hold Sanborn personally liable for the pricing violations as the "central figure" controlling Cougar's activities.

The DOE found no merit in Cougar's arguments that the PRO was procedurally inadequate or that the layering regulation was not validly promulgated. The DOE held that in order for Cougar to rebut the ERA's prima facie showing of layering, the firm had to provide evidence of some tangible service which facilitated the movement of crude oil from the producer to the refiner or some other function of economic benefit to the crude oil market. In one instance, the DOE found that Cougar paid a service firm to sample and analyze crude oil, and concluded that no layering violation had



occurred with respect to that transaction. In general, however, the DOE found that Cougar had failed to rebut the evidence of layering presented by the ERA. In response to Cougar's objection that certain crude oil purchases and sales were improperly matched, the DOE accepted that ERA's rematching of those purchases and sales. The DOE also rejected Sanborn's argument that he could not be held personally liable for the full amount of the overcharges. Accordingly, the PRO, with modifications, was issued as a final Remedial Order. The Remedial Order directs Cougar and Sanborn to refund \$4,843,747.97 plus interest, for distribution under 10 CFR Part 205, Subpart V.

*Petroleum Carrier Company, Inc., et al.,*  
6/26/87 HRO-0228

Petroleum Carrier Company, Inc., Max B. Penn, and Rodney Siegfried (Respondents) objected to a Proposed Remedial Order (PRO) which the DOE's Economic Regulatory Administration (ERA) issued to them on April 6, 1984. Respondents' Statement of Objections and Objections Supplement set forth only general denials to the PRO. Although given numerous opportunities to submit evidence in support of their claims, the Respondents declined to do so. The DOE examined the record and found that Respondents' submissions failed to rebut the prima facie case established by the PRO. As a result, the DOE found that Respondents resold crude oil at price levels which exceeded the maximum lawful selling price permitted under the reseller price rule at 10 CFR 212.93(a) and 212.111(b)(3). The DOE concluded that Respondents should refund \$1,163,865.17 plus interest, and that the refund should be disbursed pursuant to 10 CFR Part 205, Subpart V. Accordingly, the PRO, with a modification, was issued as a final Remedial Order.

*Storey Oil Company, Inc.,* 6/24/87,  
HRO-0211

Storey Oil Company, Inc. objected to a Proposed Remedial Order (PRO) which the DOE's Economic Regulatory Administration (ERA) issued to the firm on February 14, 1984. In the PRO, ERA found that the firm sold motor gasoline during the period September 1, 1979 through November 30, 1979 at prices in excess of those permitted by the price rule applicable to reseller-retailers, 10 CFR 212.93. After considering the firm's objections, the DOE concluded that the PRO, with modifications, should be issued as a final Order.

Important issues considered in the Decision were (i) the applicability of the acquired entity rule, 10 CFR 212.111(c),

in the context of an acquisition of a bulk distribution plant from a refiner, (ii) the inapplicability of the new item/new market rule, 10 CFR 212.111(b), to sales from a retail outlet where the firm previously made sales from a bulk plant to "consumers" as that term is used in the new item/new market rule, (iii) the DOE's refusal to follow, during the pendency of the DOE's appeal to TECA, the district court decision in *County Fuel Company v. DOE*, 644 F. Supp. 294 (D. Md. 1986) (DOE required to compute the MLSP for retail sales by a reseller-retailer during the period July 1979 to May 1980 by reference to the July 19, 1979 fixed margin rule, 44 FR 42542 (July 19, 1979), applicable to retailers), and (iv) whether the record supported ERA's finding that the firm's transportation costs had declined from the base period to the audit period.

#### Petition for Special Redress

*Arkansas,* 6/26/87, KEG-0010

The DOE issued a Decision and Order concerning a Petition for Special Redress submitted by the State of Arkansas. The State sought approval to use Stripper Well funds for a project found by the DOE's Assistant Secretary for Conservation and Renewable Energy to be inconsistent with the terms of the Stripper Well Settlement Agreement. After considering Arkansas' Petition, the DOE disapproved the State's proposal to use \$400,000 for the Natural Gas Line Extension Project. The DOE found that the project was not an "energy assistance program" as defined in the 1981 Chevron Consent Order. Furthermore, the DOE found that the program did not qualify as a new program under the guidelines established in previous determinations. Accordingly, Arkansas' Petition for Special Redress was denied.

#### Requests for Exception

*Fleming Bros. Oil Co.,* 6/26/87, KEE-0130

Fleming Bros. Oil Co. filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." In its Application the firm argued that exception relief was warranted on the grounds that the firm had filed the form for three years and that it spent one hour per month on preparing the form. In considering the request, the DOE found that the firm was not suffering an inordinate burden by fulfilling its reporting obligations. Accordingly, exception, relief was denied.

*McCormick Marketing, Inc.,* 6/26/87,  
KEE-0096

McCormick Marketing, Inc. filed an Application for Exception in which the firm sought to be relieved of the requirement to file Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." The firm argued that exception relief was warranted on the ground that it had only one full-time employee for bookkeeping and administrative tasks and that it took that employee three hours per month to prepare the form. In considering the request, the DOE found that the firm would not suffer an inordinate burden by fulfilling its reporting obligation. Accordingly, exception relief was denied.

*Wm. Fabian & Son, Inc., Craft Oil Co.,*  
*Par-Mar Oil Co.,* 6/26/87, KEE-0092, KEE-0101, KEE-0116

W. Fabian & Son, Inc., Craft Oil Co. and Par-Mar Oil Co. filed Applications for Exception seeking relief from the requirement to file Form EIA-782B, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report." The firms argued that exception relief was warranted on the ground that they spent from one and one-half to four hours per month preparing the form. In considering the request, the DOE found that the firms would not suffer an inordinate burden by fulfilling their reporting obligations. Accordingly, exception relief was denied.

#### Refund Applications

*Charter Co./Louisiana, National Helium Corp./Massachusetts, OKC Corp./Louisiana,* 6/25/87, RQ23-359, RQ3-366, RQ13-375

The DOE issued a Decision and Order approving the second-stage refund applications submitted by the State of Louisiana and the Commonwealth of Massachusetts in the Charter Co., National Helium Corp., and OKC Corp. refund proceedings. Louisiana will use \$74,200 for the New Orleans Vanpool Program, \$55,100 for the Marine Energy Conservation Program, and \$80,000 for the Fertilizer Application Energy Conservation Education Program. Massachusetts will use \$125,000 for the Fleet Management Program. In evaluating the plans, the DOE found that they would conserve energy and provide restitutionary benefits to consumers who were injured by the oil violations during the period 1973-1981.

*Consolidated Freightways of Delaware, Inc., Combustion Engineering, Inc., Salem Transportation Co., Inc.,* 6/



23/87, RF270-1516, RF270-1531,  
RF270-1532

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporter Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the volumes of refined petroleum products used by a Class 100 motor carrier, a diversified engineering firm with its own fleet, and an airport passenger transportation company. The DOE will use those volumes as the basis for the refunds that will ultimately be issued to the firms. The total number of gallons approved in this Decision and Order is 654,060,002.

*Cressona Trucking Company et al.*, 6/24/87, RF270-881 et al.

Cressona Trucking Company, and twenty-six other for-hire and private motor carriers sought refunds from the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE examined each claim and ascertained that each of the applicants is an eligible surface transporter, and that its claim does not exceed the volume of petroleum products that the applicant consumed in vehicle operations. The DOE approved the volumes that will be the bases of the refunds ultimately issued to the firms. The total volume approved in this Decision and Order is 118,765,601 gallons.

*Davidson Brothers et al.*, 6/26/87, RF270-1447 et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the volumes of refined petroleum products used by fifteen Common Motor Freight Carriers or Bulk Commodity Haulers, after adjusting three claims to compensate for mathematical errors. The DOE will use those volumes as a basis for the refund that will ultimately be issued to the three firms. The total number of gallons approved in this Decision and Order is 90,682,092.

*Delux Limousine Service, Inc., Port Washington Delux Taxi, Inc.*, 6/24/87, RF270-1122, RF270-1144

The DOE issued a Decision and Order approving two affiliated companies who filed separate timely applications for Surface Transporter Refunds. Since both companies could have consolidated their applications into a single

application, the DOE considered the two claims as if they had been properly consolidated. The DOE approved the applications after making certain adjustments to the volumes claimed by the firms. The DOE will use these volumes as the bases for the refunds ultimately granted to the firms. The total number of gallons approved in this decision and order is 1,215,552.

*East Penn Manufacturing Co. et al.*, 6/23/87, RF270-2264 et al.

The DOE issued a Decision and Order concerning eight Applications for Refund from the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. Each applicant demonstrated that it operated motor vehicles during the settlement period and that it was either a "for hire" carrier or a private fleet operator for the purposes of their proceeding. One of the applicants based part of its claim on propane consumed by buses. The DOE found that this was an acceptable use of an eligible fuel because these vehicles operated over the road just like taxicabs, whose use of propane had previously been approved. *Owensboro Yellow Cab Co.*, 15 DOE ¶ 85,363 (1987). Accordingly, all eight Applications were approved, and the respective volumes will be used to calculate each company's refund. The total number of gallons approved in this Decision and Order is 15,755,646.

*Elm City Filling Stations, Inc./Consolidated Edison Co. of New York*, 6/24/87, RF255-3

Consolidated Edison Company of New York applied for a refund from the Elm City Stations, Inc. consent order fund on the basis of its purchase of residual fuel from JOC Oil Company, a direct purchaser of Elm City residual fuel. The DOE determined that the residual fuel that Con Ed purchased from JOC in January 1974 was unlikely to have been the product purchased by JOC from Elm City in the November 1973 transaction covered by the Elm City consent order. Accordingly, Con Ed's refund application was denied.

*Good Hope Refineries/Marathon Petroleum Company*, 6/24/87, RF189-11

The DOE issued a Decision and Order concerning an Application for Refund filed by Marathon Petroleum Company on the basis of the procedures outlined in *Good Hope Refineries*, 13 DOE ¶ 85,105 (1985). Marathon, a major refiner that resold Good Hope motor gasoline and No. 2 fuel, was a spot purchaser. According to the *Good Hope* procedures, spot purchasers are ineligible for

refunds unless they present a showing that they were injured. Marathon did not submit documentation demonstrating that it was injured by its spot purchases. Therefore, Marathon's refund application was denied.

*Gulf Oil Corporation/Lee's Gulf Service*, 6/25/87, RF40-2941

The DOE granted a refund from the Gulf Oil Corporation consent order escrow account to Lee's Gulf, a retailer of Gulf petroleum products. Lee's demonstrated that it would not have been required to reduce its selling prices to its customers by the amount of the refund claimed. The refund to Lee's totals \$536.

*Gulf Oil Corporation/Roo's Gulf et al.*, 6/23/87, RF40-3387 et al.

The DOE issued a Decision and Order concerning four Applications for Refund filed by retailers of Gulf Oil Corporation petroleum products. Each firm applied for a refund based on the procedures outlined in *Gulf Oil Corporation*, 12 DOE ¶ 85,048 (1984), governing the disbursement of settlement funds received from Gulf pursuant to a 1978 Consent Order. In accordance with those procedures, each applicant demonstrated that it would not have been required to pass through to its customers a cost reduction equal to the amount of the refund claimed. After examining the applications and supporting documentation submitted by the claimants, the DOE concluded that they should receive refunds totaling \$2,002, representing \$1,598 in principal and \$404 in accrued interest.

*Joy Farm Transportation, Inc. et al.*, 6/24/87, RF270-432 et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the volumes of refined petroleum products claimed by four private bus companies and will use those volumes as the bases for the refunds that will ultimately be issued to the four firms. The total number of gallons approved in this Decision and Order is 13,016,063.

*Marathon Petroleum Company/Bud's Service, ABC Oil Company*, 6/23/87, RF250-2507 et al.

The DOE issued a Decision and Order concerning Applications for Refund filed by Bud's Service and ABC Oil Company, both purchasers of products covered by a consent order that the agency entered into with Marathon Petroleum Company.



Each applicant demonstrated the volume of its Marathon purchases, and each declined to submit a demonstration that it was injured by the alleged overcharges. Therefore, each applicant was granted a refund under the 35 percent presumption of injury. The sum of refunds approved in this Decision and Order is \$13,764 in principal and \$1,409 in interest.

*Marathon Petroleum Company/Major Oil Products, 6/25/87, RF250-2334, RF250-2335*

The DOE issued a Decision and Order granting an Application for Refund filed by Major Oil Products (Major) in connection with the Marathon Petroleum Company special refund proceeding. Under the refund procedures established for Marathon applicants, Major's purchase volume corresponded to a volumetric share exceeding the \$5,000 small claim threshold level. However, the firm elected to limit its refund claim to \$5,000, and was therefore not required to submit a detailed showing of injury. The total refund granted Major is \$5,512, representing \$5,000 in principal and \$512 in interest.

*Marathon Petroleum Company/Monarch Oil & Supply Co., 6/23/87, RF250-1523*

Monarch Oil & Supply Co. (Monarch) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). Monarch demonstrated that it purchased 4,337,731 gallons of motor gasoline during the consent order period from Marathon through Universal Oil, a direct purchaser that had not filed an Application for Refund in the Marathon proceeding. Using a volumetric methodology, the DOE determined that Monarch's claim was below the presumption of injury threshold refund level of \$5,000. The DOE therefore granted Monarch a refund of \$1,821.85 in principal and \$173.51 in accrued interest for a total of \$1,995.36.

*Marathon Petroleum Company/Pacino's Marathon, 6/23/87, RF250-1715*

Pacino's Marathon (PM) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). PM demonstrated that it purchased 1,974,000 gallons of motor gasoline during the consent order period from Marathon through Brubaker Oil Company, a direct purchaser that had not filed an application for Refund in the Marathon proceeding. Using a

volumetric methodology, the DOE determined that PM's claim was below the presumption of injury threshold refund level of \$5,000. The DOE therefore granted PM a refund of \$829.08 in principal and \$78.96 in accrued interest for a total refund of \$908.04.

*Marathon Petroleum Company/Toney's Marathon, 6/23/87, RF250-1524*

Toney's Marathon (TM) filed an Application for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). TM demonstrated that it purchased 571,898 gallons of motor gasoline during the consent order period from Marathon through Ray Stewart, a direct purchaser that had not filed an Application for Refund in the Marathon proceeding. Using volumetric methodology, the DOE determined that TM's claim was below the presumption of injury threshold refund level of \$5,000. The DOE therefore granted TM a refund of \$240.20 in principal and \$22.88 in accrued interest for a total refund of \$263.08.

*Marathon Petroleum Company/Painter Petroleum Co., 6/23/87, RF250-1360, RF250-1361*

Painter Petroleum Co. (PPC) filed two Applications for Refund in which the firm sought a portion of the fund obtained by the DOE through a consent order entered into with Marathon Petroleum Company (Marathon). PPC demonstrated that it purchased 6,582,549 gallons of motor gasoline and 1,982,570 gallons of middle distillates during the consent order period from Marathon through Ball Tire & Gas, Inc. which had been granted a refund as a direct purchaser under the 35 percent presumption of injury method. Using a volumetric methodology, the DOE determined that PPC's claim was below the presumption of injury threshold refund level of \$5,000. The DOE therefore granted PPC a refund of \$3,588.95 in principal and \$341.80 in accrued interest for a total refund of \$3,930.75.

*Marathon Petroleum Company/Private Brand Services, Inc. Johnson Oil Company, 6/24/87, RF250-2448, RF250-2490, RF250-2491*

The DOE issued a Decision and Order concerning Applications for Refund filed on behalf of Private Brand Services, Inc. and Johnson Oil Company. Private Brand Services demonstrated its indirect purchases of Marathon product through Johnson Oil Company and another supplier. Johnson Oil Company demonstrated its direct purchases of covered product from Marathon.

Johnson Oil Company was granted a refund on the basis of the 35 percent presumption of injury, and Private Brand Services was granted a refund under the small claims presumption of injury. The sum of the refunds approved in this Decision is \$11,861 in principal and \$1,214 in interest for a total refund of \$13,075.

*Mobil Oil Corporation/Central & Grove Mobil, 6/26/87, RF225-10848*

The DOE issued a Decision and Order concerning duplicate Applications for Refund filed by Richard Bird, owner of Central & Grove Mobil. In the Decision, the DOE determined that the applicant had received two refunds based on its purchases from Mobil, and that it should remit \$495 for deposit into the Mobil escrow account.

*Roesch Lines et al., 6/24/87, RF270-289 et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the volumes of refined petroleum products claimed by 13 companies which operated private fleets of trucks and will use those volumes as the bases for the refunds that will ultimately be issued to the 13 firms. The total number of gallons approved in this Decision and Order is 176,647,032.

*Shulton, Inc. & John Breck Divisions of American Cyanamid Co., American Cyanamid Co., Chemicals Group, 6/25/87, RF270-751, RF270-1119*

The DOE issued a Decision and Order approving two affiliated companies who filed separate timely applications for refunds from the Surface Transporters Escrow fund. Since both companies could have consolidated their applications into a single application, the DOE considered the two claims as if they had been properly consolidated. The total number of gallons approved in this Decision and Order is 8,766,443.

*T. Achenberg Transportation Co. et al., 6/23/87, RF270-1799 et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the purchase volumes of refined petroleum products claimed by twelve trucking companies and will use those volumes as the bases for the refunds that will ultimately be issued to the twelve firms. The total number of



gallons approved in this Decision and Order is 22,912,027.

*The Davidson Transfer and Storage Company, Inc. et al.*, 6/24/87, RF270-921 et al.

The Davidson Transfer & Storage Company, Inc. and eighteen other for-hire motor carriers filed Applications for Refund, seeking funds from the Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE examined each claim and ascertained that each of the applicants is an eligible surface transporter, and its claim did not exceed the gallons of petroleum products that the applicant consumed in vehicle operations. The total volume approved in this Decision and Order is 43,164,320 gallons. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter claims.

*Ward Trucking Corp. et al.*, 6/25/87, RF270-285 et al.

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million Surface Transporters Escrow fund established pursuant to the settlement agreement in the DOE Stripper Well Exemption Litigation. The DOE approved the volumes of refined petroleum products claimed by 26 trucking companies which operated as common carriers and will use those volumes as the bases for the refunds that will ultimately be issued to the 26 firms. The total number of gallons approved in this Decision and Order is 116,542,082.

*Yellow Cab Co. of Greater Buffalo et al.*, 6/26/87, RF270-1681 et al.

The DOE issued a Decision and Order approving the volumes of thirteen Applicants for Refund from the Surface Transporters Escrow, established as the result of the DOE Stripper Well Settlement Agreement. The DOE will determine a per gallon refund amount and establish the amount of each company's refund after it completes its analysis of all Surface Transporter Claims. The total number of gallons approved in this Decision and Order is 37,752,285.

#### Dismissals

The following submissions were dismissed:

Name	Case No.
A & P Service Center	RF225-5342
Conoco, Inc.	RF242-7
E-Z Serve, Inc.	RF252-7

Name	Case No.
Feeder's Grain Co.	RF270-2376
Gunnison Watershed School District RE1J	RF270-80
Home Petroleum Corp.	RF212-2
Kerr-McGee Corp.	RF252-6
Madison Taxi of Buffalo, Inc.	RF270-1694
Maritime Overseas Corp.	RF271-227
North Temple Gulf	RF40-3138
The Coastal Corp.	RF242-19
Three Bros. Gulf	RF40-3214
Village Market	RF225-8731

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

October 2, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 87-23561 Filed 10-9-87; 8:45 am]

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#### Issuance of Decisions and Orders: Week of August 17 Through August 21, 1987

During the week of August 17 through August 21, 1987, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

#### Appeal

*Citizen/Labor Energy Coalition*, 8/19/87, KFA-0110

The Citizen/Labor Energy Coalition filed an Appeal from a denial by the Director, Office of Oil and Gas, Energy Information Administration, of a Request for Information which it had submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that, except for some transmittal and telecommunication slips, the documents at issue were properly withheld under Exemption 4 and 5 of the FOIA, which exempt confidential commercial information and predecisional agency material from mandatory disclosure. Important issues considered in the Decision and Order involved the confidentiality of survey data and whether drafts of the report at issue came within the agency's deliberative process privilege.

#### Remedial Order

*Texaco Inc.*, 8/20/87, HRO-0276

Texaco Inc. objected to a Proposed Remedial Order alleging that the firm used excessive May 15, 1973 prices in computing its maximum allowable prices for sales of propane to Dow Chemical Company and Enterprise Products Company. The PRO found that the use of an excessive May 15, 1973 selling price was a per se violation of the refiner price rule for which refunds can be ordered. The PRO proposed the adoption of either a "refund down" remedy or a MAP recalculation. The "refund down" remedy was based on the difference between the correct and incorrect May 15, 1975 selling prices, multiplied by the volume of propane sold during the period in which Texaco used the incorrect May 15, 1973 price. The DOE rejected Texaco's factual objection and affirmative defenses to the May 15 selling price allegation and then determined that the "refund down" remedy was appropriate and lawful. The DOE found that the "refund down" was appropriate because, inter alia, it would remedy the precise regulatory harm that occurred and would further the national energy policy of concluding the enforcement program in a timely manner. In connection with its determination that the "refund down" was lawful, the DOE agreed with the PRO's finding that the use of an incorrect May 15, 1973 selling price was a per se violation of the refiner price rule for which refunds can be ordered. In making this determination, the DOE requested that the Federal Energy Regulatory Commission reconsider its decision in *Exxon U.S.A. Inc.*, 35 FERC 61,033 (1986), in which the FERC held that the use of an incorrect May 15, 1973 selling price was not a per se violation of the refiner price rule for which refunds can be ordered. In this regard, the DOE explained why it believed that the FERC decision was incorrect at the time it was issued and that, in any event, the issuance of a recent TECA decision alone warranted a reconsideration of the Exxon decision.

#### Request for Exception

*Winco, Inc.*, 8/20/87, KEE-0123

Winco, Inc. filed an Application for Exception seeking relief from the reporting requirements of Form EIA-782B. In considering the request, the DOE found that in view of its precarious financial condition, the firm was experiencing an unfair distribution of burdens as a result of the reporting requirements and that exception relief was warranted. Accordingly, relief



excepting Winco from any obligation to file Form EIA-782B was approved.

#### Refund Applications

*Affiliated of Florida, Inc. et al., 8/20/87, RF270-446 et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well exemption litigation. The DOE approved the gallonages of refined petroleum products claimed by forty-two trucking companies and will use those gallonages as a basis for the refund that will ultimately be issued to the forty-two firms. The total gallonage approved in the Decision was 146,938,444.

*Connecticut American Charters, Inc., et al., 8/18/87, RF270-1225, et al.*

The Department of Energy issued a Decision approving ten applications for refunds from the Surface Transporter Escrow, established as a result of the Stripper Well Settlement Agreement. The applicants all provided private surface transportation services. The total number of gallons approved is 46,575,417.

*Delaware and Hudson Railroad Company, 8/19/87, RF271-230*

The DOE corrected a Decision and Order issued to Delaware and Hudson (D&H), granting the firm's Application for a Refund from the Rail and Water Transporters Escrow. Specifically, the DOE amended the gallonage figure that will be used in calculating the firm's refund to reflect a correction submitted by D&H. Accordingly, D&H's refund will be based on its use of 132,162,080 gallons of petroleum products.

*Farm House Foods Corporation, et al., 8/19/87, RF270-2296, et al.*

The DOE issued a Decision and Order granting five Applications for Refund from the \$10.75 million Surface Transporters Escrow fund established pursuant to the Settlement Agreement in the DOE Stripper Well Exemption Litigation. Each applicant demonstrated that it operated motor vehicles during the Settlement Period and that it was a private fleet operation for the purposes of this proceeding. The total number of gallons approved in this Decision is 38,046,466.

*Getty Oil Company/Baltimore Gas & Electric Co., et al., 8/21/87, RF265-1785 et al.*

The DOE issued a Decision and Order concerning six Applications for Refund filed by public utilities that used products covered by a consent order

that the agency entered into with Getty Oil Company. Each applicant submitted information indicating the volume of Getty products that were purchased. As end-users, these applicants were entitled to receive a refund in the full volumetric amount. The sum of the refunds approved in this Decision is \$309,467, representing \$406,465 and \$403,002 in accrued interest.

*Getty Oil Company/Borough of Media, et al., 8/20/87, RF265-956, et al.*

The DOE issued a Decision and Order concerning four Applications for Refund filed by municipalities that used products covered by a consent order that the agency entered into with Getty Oil Company. Each applicant submitted information indicating the volume of Getty products that it purchased. As end-users, these applicants were entitled to the full volumetric amount. The sum of the refunds approved in this Decision is \$6,196, representing \$3,111 in principal and \$3,085 in accrued interest.

*Getty Oil Company/Boyle's OK Service, et al., 8/17/87, RF265-2203, et al.*

The DOE issued a Decision and Order concerning eight Applications for Refund filed by resellers or retailers of products covered by a consent order that the agency entered into with Getty Oil Company. Four applicants were eligible for refunds based on the \$5,000 small claims presumption and the remaining four applicants elected use that presumption by limiting their claims to \$5,000. The sum of the refunds approved in this Decision is \$67,586, representing \$33,938 in principal and \$33,648 in accrued interest.

*Getty Oil Company/Butler's L.P. & Fertilizer, Inc., et al., 8/17/87, RF265-2498, et al.*

The DOE issued a Decision and Order concerning five Applications for Refund filed by retailers of products covered by a consent order that the agency entered into with Getty Oil Company. Three applicants were eligible for refunds based on the \$5,000 small claims presumption and the remaining two applicants elected to use that presumption by limiting their claims to \$5,000. The sum of the refunds approved in this Decision is \$43,093, representing \$21,638 in principal and \$21,454 in accrued interest.

*Getty Oil Company/Kumm Gas Company, Inc., et al., 8/17/87, RF265-2504 et al.*

The DOE issued a Decision and Order concerning three Applications for Refund filed by resellers and retailers of products covered by a consent order

that the agency entered into with Getty Oil Company. Two applicants were eligible for refunds based on the \$5,000 small claims presumption. In the remaining case, the applicant elected to use that presumption by limiting its claim to \$5,000. The sum of the refunds approved in this Decision is \$17,345, representing \$8,710 in principal and \$8,635 in accrued interest.

*Getty Oil Company/Sussex Petroleum Co., Inc., 8/19/87, RF265-2520*

The DOE issued a Decision and order concerning an inadvertent overstatement of 118,183 gallons of middle distillates in the purchase volume used in calculating the refund previously granted to Sussex Petroleum Co., Inc. Accordingly, the prior refund was corrected and the total Sussex refund approved was \$6,939, representing \$3,484 in principal and \$3,455 in accrued interest.

*Gulf Oil Corporation/Illinois Valley Supply Company, 8/19/87, RF40-3592*

The DOE issued a Decision and Order concerning an Application for Refund filed by Illinois Valley Supply Company, a reseller of propane sold by Gulf Oil Corporation. The firm applied for a refund based on the procedures outlined in *Gulf Oil Corp., 12 DOE ¶ 85,048 (1984)*, governing the disbursement of settlement funds received from Gulf pursuant to a 1978 consent order. The applicant demonstrated that it would not have been required to pass through to customers a cost reduction equal to the refund claimed. After examining the estimation technique and other supporting data submitted by the applicant, the DOE concluded that the firm should receive a refund of \$2,992 (\$2,370 principal plus \$622 interest).

*Hunt Concrete, et al., 8/18/87, RF270-2447 et al.*

The DOE issued a Decision and Order concerning Applications for Refund filed by four firms seeking portions of the Surface Transporters Escrow. Each of the applications was received after the December 8, 1986 filing deadline established for such claims. In considering each firm's reasons for its late filing, the DOE found that none of the firms had convincingly demonstrated that its position was materially different from any of the approximately 2400 other firms that managed to file timely applications. Accordingly, the DOE dismissed the four applications as untimely filed.

*Joyce Bros. Storage & Van, et al., 8/19/87, RF270-1214, et al.*



The Department of Energy issued a Decision approving applications submitted by eleven firms for refunds from the Surface Transporter Escrow, established as a result of the Stripper Well Settlement Agreement. Each applicant operated motor vehicles for surface transporter and applied for a refund based on its purchases of motor gasoline and diesel fuel between August 19, 1973 and January 27, 1981. The total number of gallons approved in this Decision is 39,538,680.

*Lapeer Community Schools, Matney Service Station, Jonesville Community Schools, 8/21/87, RF270-1203, RF270-1205, RF270-1246*

The Department of Energy issued a Decision considering the applications for refunds from the Surface Transporter Escrow, submitted by Lapeer Community Schools, Matney Service Station and Jonesville Community Schools. The DOE determined that Lapeer and Jonesville were school districts and that Matney was a service station. The DOE therefore found that they had failed to establish that they were Surface Transporters as defined in the Stripper Well Settlement Agreement establishing the escrow fund. Accordingly, the applications were denied.

*Magnolia Marine Transport Co., et al., 8/19/87, RF271-123, et al.*

The Department of Energy issued a Decision and Order approving applications submitted by six water transporters for refunds from the Rail and Water Transporters Escrow established as a result of the Stripper Well Settlement Agreement. Each applicant used an acceptable method for estimating its fuel use. The total number of gallons approved in the Decision was 114,976,098.

*Mapco, Inc./Gulf States Oil & Refining Co., 8/17/87, RF108-17*

Gulf States Oil & Refining Co. filed an Application for Refund in the Mapco, Inc. refund proceeding. Gulf States' refund claim was based on 71,392,254 gallons of covered products, of which 70,955,792 gallons were obtained through exchanging products rather than actual purchases. Since Gulf States failed to establish any regulatory violation with respect to the exchange transactions, the DOE denied the firm's refund request with respect to the gallons that the firm obtained through exchange. Gulf States' refund request was granted for the 436,462 gallons that the firm actually purchased from Mapco. The amount of the refund granted to Gulf States was \$785.63, plus \$414 in interest.

*Midwest Coast Transport, Inc., 8/19/87, RF270-1536*

Midwest Coast Transport filed an Application for Refund in the Surface Transporters Escrow fund. The claim included volumes purchased by both Midwest and its independent contractors (owner operators). Although Midwest indicated its intention to pass any refunds through to its owner operators, the DOE approved for refunds only the volumes of product actually purchased by the claimant. The basis for this determination was (i) that the owner operators had not signed claim forms agreeing to be bound by the terms of the Settlement, and (ii) that since each owner operator's purchase volumes were lower than the minimum threshold, they are not individually members of the class for which the Surface Transporters Escrow was established. The total gallonage approved was 13,356,495.

*Panella Trucking, Inc., Ralph Panella Trucking, 8/19/87, RF270-890, RF270-891*

Panella Trucking, Inc. and Ralph Panella Trucking filed application seeking refunds from the Surface Transporters Escrow established pursuant to the Stripper Well Settlement Agreement. Panella Trucking, Inc. claimed 3,514,108 gallons of motor fuel, and Ralph Panella Trucking's claimed 564,994 gallons. While noting that the two applicants are affiliated firms under a common ownership, and that a strict adherence to the waiver and release clause would have resulted in dismissal of one of the two applications, the DOE decided that the gallons that the applicants each claimed were not duplicative, and that the two claims had the same effect as one claim based on a consolidated volume. Accordingly, the DOE granted the applications and approved a total gallonage claim of 4,079,102.

*Path Truck Lines, Inc., et al., 8/18/87, RF270-9 et al.*

The Department of Energy issued a Decision and Order approving 23 Applications for Refund from the Surface Transporters Escrow, established as the result of the Stripper Well Settlement Agreement. The applicants, "for hire" trucking companies, private fleets of trucks, taxi companies, or bus companies, applied for refunds based on purchases of diesel fuel, motor gasoline, motor oil, and lubricating oils. The total number of gallons approved was 63,522,180.

*Petroleum Heat and Power Co., Inc./A-One Oil, Inc., 8/19/87, RF285-17*

The DOE issued a Decision and Order concerning an Application for Refund filed by A-One Oil, Inc. a retailer of Petroleum Heat and Power Co., Inc. No. 2 heating oil. A-One applied for a refund based on the procedures outlined in *Petroleum Heat and Power Co., Inc.*, 15 DOE ¶ 85,036 (1986), governing the disbursement of settlement funds received from PHP pursuant to a November 13, 1980 Consent Order. Since A-One's purchases entitled it a refund of less than \$5,000, the firm was presumed to have been injured by the PHP alleged overcharges. After examining the application and supporting documentation submitted by A-One, the DOE granted the firm a refund of \$7,252, representing \$4,431 in principal and \$2,821 in accrued interest.

*R.O. Harrell, Inc. et al., 8/21/87, RF270-581 et al.*

The DOE issued a Decision and Order in connection with its administration of the \$10.75 million escrow fund established for surface transporters pursuant to the settlement agreement in the DOE stripper well litigation. The DOE approved the gallonages of refined petroleum products claimed by twenty trucking companies and will use those gallonages as a basis for the refund that will ultimately be issued to the twenty firms. The total number of gallons approved in the Decision was 73,623,492.

*R.W. Harmon & Sons, Inc., et al., 8/18/87, RF270-1186, et al.*

The Department of Energy issued a Decision approving six applications for refunds from the Surface Transporters Escrow established as a result of the Stripper Well Settlement Agreement. The claimants provided trucking services, maintained private fleets or contracted for school bus services. The total number of gallons approved in this Decision is 16,072,177.

*Sandersville Railroad Company, Inc. et al., 8/21/87, RF271-43 et al.*

The DOE issued a Decision and Order approving 19 applications for refunds from the Rail and Water Transporters (RWT) Escrow established as a result of the Stripper Well Settlement Agreement. OHA found that all 19 applicants had established that they were members of the RWT class, and had substantiated the volumes of their purchases of U.S. petroleum products claimed in their respective applications. The total number of gallons approved in this Decision is 217,996,157.

*Tresler Oil Company/Kent Oil & Trading Company, Inc., 8/19/87, RF295-3*



Kent Oil & Trading Company, Inc. filed an application for a refund from the Tresler Oil Company escrow account. The DOE determined that Kent was a spot purchaser of Tresler product that failed to rebut the presumption that it was not injured as a result of those transactions. Accordingly, the Kent application was denied.

*Vickers Energy Corp./Missouri*  
*Standard Oil Company (Indiana)/*  
*Missouri OKC Corp./Missouri, 8/*  
*19/87, RM1-71, RM251-72, RM13-73*

The State of Missouri filed Requests for Modification with the Office of Hearings and Appeals. The State sought permission to use second stage refund monies derived from escrow accounts provided by Amoco and OKC Corporation to pay for a project that was originally to be funded by a Vickers Energy Corporation Escrow Account. The DOE found that due to pending litigation, the Vickers fund could not yet be released and that the State's request should therefore be granted.

*Wallack Freight Lines, Inc., 8/20/87,*  
*RR270-2*

Wallack Freight Lines, Inc. (Wallack) filed a Motion for Reconsideration of the dismissal by the DOE of its Application for Refund from the Surface Transporters Escrow fund. The firm's refund application had been dismissed because it was filed after the December 8, 1986 filing deadline established for Surface Transporter applications. In its Motion, Wallack stated that it had been informed by a local trucking association that the filing deadline had been extended and that it did not receive the claim form in sufficient time to meet the filing deadline. The DOE stated that the agency could not be held responsible for erroneous information concerning the deadline and that Wallack had not convincingly demonstrated that its position was materially different from that of any other firms that managed to file timely applications. Accordingly, the firm's Motion for Reconsideration was denied.

#### Dismissals

The following submissions were dismissed.

Name	Case No.
Bobbett Gas Service, Inc.	RF208-21
Clare Public Schools	RF270-1392
Fort Worth Transportation Authority	RF270-597
Gwinnett Area Community Schools	RF270-1297
International Drilling & Energy Corp.	RF208-22
Modern Gas Company, Inc.	RF208-20
School of District of the City of Pontiac	RF270-1391

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

October 2, 1987.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 87-23560 Filed 10-9-87; 8:45 am]

BILLING CODE 6450-01-M

#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-3275-8]

#### Science Advisory Board, Research Strategy Subcommittee, Sources, Transport and Fate Group; Open Meeting

Under Pub. L. 92-463, notice is hereby given that the Sources, Transport and Fate Group of the Science Advisory Board's Research Strategy Subcommittee will meet from 9:00 a.m. to 4:00 p.m. on October 15th at the Airport Hilton Inn at 4411 Peoria Street, Denver, Colorado in the Conference Room. The purpose of the Research Strategy Subcommittee is to advise the Administrator of the Environmental Protection Agency on the development of research strategies needed to enhance the Agency's ability to acquire scientific and technical information to support regulatory decision making, and to identify emerging environmental problems. The Sources, Transport and Fate Subgroup will evaluate environmental contaminants from both a media-specific and a multi-media basis.

The meeting is open to the public. Any member of the public wishing to attend or submit written comments should notify Dr. Terry F. Yosie, Director, Science Advisory Board, at 202-382-4126 or Joanna Foellmer by October 13, 1987.

Dated: October 7, 1987.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 87-23713 Filed 10-9-87; 8:45 am]

BILLING CODE 6560-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

#### Public Information Collection Requirement Submitted to Office of Management and Budget for Review

October 5, 1987.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037. For further information on this submission contact Terry Johnson, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on this information collection should contact J. Timothy Sprehe, Office of Management and Budget, Room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB number: 3060-0041

*Title:* Application for Authority to Operate a Broadcast Station by Remote Control or to Make Changes in a Remote Control Authorization.

*Form number:* FCC 301-A.

*Action:* Extension.

*Respondents:* Businesses (including small businesses).

*Frequency of responses:* On occasion.

*Estimated annual burden:* 152

Responses; 41 Hours.

*Needs and uses:* FCC Form 301-A is filed by AM radio station licensees/permittees with a directional antenna to request authority to operate a station by remote control. The data is used by FCC staff to assure that the directional antenna system is stable.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 87-23604 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-427; File Nos. BP-860616AD and BP-860922AD]

#### Applications for Consolidated Hearing; Larry Ward Gamble and Ranjack Radio

1. The Commission has before it the



following mutually exclusive applications for a new AM station:

Applicant, city and State	File No.	MM Docket No.
A. Larry Ward Gamble, Oakhurst, California.	BP-860616AD	87-427
B. Raniack Radio, Oakhurst, California.	BP-860922AD	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 F.R. 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicant(s)

1. Comparative, All applicants
2. Ultimate, All applicants

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan. Gay,  
Assistant Chief, Audio Services Division,  
Mass Media Bureau.

[FR Doc. 87-23605 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 87-425; File Nos. BPH-850712GI and BPH-850712PG]

#### Applications for Consolidated Hearing; Evelyn Kelly and Betty Reineke

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM Docket No.
A. Evelyn Kelly, Silverton, Co.	BPH-850712GI	87-425
B. Betty Reineke, Silverton, Co.	BPH-850712PG	

2. Pursuant to section 309(e) of the Communications Act of 1934, as

amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicant

1. Environmental Impact, A, B
2. Comparative, A, B
3. Ultimate, A, B

3. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan. Gay,  
Assistant Chief, Audio Services Division,  
Mass Media Bureau.

[FR Doc. 87-23606 Filed 10-9-87; 8:45 am]

BILLING CODE 6712-01-M

#### FEDERAL DEPOSIT INSURANCE CORPORATION

##### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

**Title of Information Collection:** Notices Required of Government Securities Dealers or Brokers (Insured State Nonmember Banks).

**Background:** In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

Written comments regarding the submission should be addressed to Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429.

**Comments:** Comments on this collection of information should be submitted on or before November 12, 1987.

#### FOR FURTHER INFORMATION CONTACT:

Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3810.

**Summary:** The FDIC is requesting OMB approval for implementing the information collection requirements contained in the Government Securities Act of 1986. The act requires all financial institutions that function as government securities brokers and government securities dealers to notify their designated federal regulatory agencies of their broker-dealer activities unless exempt from the notice requirement by the Department of the Treasury regulation. Insured State nonmember banks that act as government securities broker-dealers must file notices with the FDIC. The forms involved in the required notifications are G-FIN, G-FINW, G-FIN-4, and G-FIN-5.

It is estimated that it takes the average bank one hour to prepare the notification form. The FDIC expects to receive 115 forms over a 12 month period resulting in an annual paperwork burden estimate of 115 hours for all respondents.

Dated: October 6, 1987.  
Federal Deposit Insurance Corporation.  
Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 87-23607 Filed 10-9-87; 8:45 am]

BILLING CODE 6714-01-M

##### Information Collection Submitted to OMB for Review

**AGENCY:** Federal Deposit Insurance Corporation.

**ACTION:** Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

**Title of Information Collection:** Community Reinvestment Act Statement and Recordkeeping.

**Background:** In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system identified above.

**ADDRESS:** Written comments regarding the submission should be addressed to



Robert Fishman, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to John Keiper, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429.

**Comments:** Comments on this collection of information should be submitted on or before November 12, 1987.

**FOR FURTHER INFORMATION CONTACT:** Requests for a copy of the submission should be sent to John Keiper, Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429, telephone (202) 898-3810.

**Summary:** The FDIC is requesting OMB approval to continue the collection of information imposed on insured State nonmember banks by regulation 12 CFR Part 345—*Community Reinvestment*, which appeared at 43 FR 47151, October 12, 1978. The information collection requirements of the regulation pertain to the adoption of a Community Reinvestment Act (CRA) statement, posting of a CRA public notice, and maintenance of CRA public files, by banks. These information collection requirements were not previously approved by OMB as required by the Paperwork Reduction Act of 1980. The annual review and updating of CRA statements and the maintenance of public files require, on the average, one hour of effort per bank. The total annual burden on all banks, collectively, is 8,617 hours.

Dated: October 6, 1987.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,  
Executive Secretary.

[FR Doc. 87-23608 Filed 10-9-87; 8:45 am]

BILLING CODE 6714-01-M

## FEDERAL HOME LOAN BANK BOARD

[No. AC-663]

**Collingdale Federal Savings and Loan Association, Collingdale, PA; Final Action Approval of Conversion Application**

Date: October 6, 1987.

Notice is hereby given that on October 1, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of Collingdale Federal Savings and Loan Association, Collingdale, Pennsylvania, for permission to convert to the stock form of organization. Copies of the

application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Pittsburgh, One Riverfront Center, 20 Stanwix Street, Pittsburgh, Pennsylvania 15222-4893.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,  
Assistant Secretary.

[FR Doc. 87-23666 Filed 10-9-87; 8:45 am]

BILLING CODE 6720-01-M

[No. AC-664; FHLBB No. 2641]

**The First Federal Savings Bank, Cleveland, OH; Final Action Approval of Conversion Application**

Date: October 6, 1987.

Notice is hereby given that on October 2, 1987, the Office of the General Counsel of the Federal Home Loan Bank Board, acting pursuant to the authority delegated to the General Counsel or his designee, approved the application of The First Federal Savings Bank, Cleveland, Ohio, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretariat at the Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, and at the Office of the Supervisory Agent at the Federal Home Loan Bank of Cincinnati, 2000 Atrium TWO, Cincinnati, Ohio 45202.

By the Federal Home Loan Bank Board.

John F. Ghizzoni,  
Assistant Secretary.

[FR Doc. 87-23666 Filed 10-9-87; 8:45 am]

BILLING CODE 6720-01-M

## FEDERAL RESERVE SYSTEM

**Bank South Corp., et al.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for

processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than October 30, 1987.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Bank South Corporation*, Atlanta, Georgia; to acquire 92.21 percent of the voting shares of Heritage Trust, Conyers, Georgia.

2. *C & L Banking Corporation*, Bristol, Florida; to become a bank holding company by acquiring 80 percent of the voting shares of C & L Bank of Bristol, Bristol, Florida.

**B. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Cardinal Bancorp II, Inc.*, Washington, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of United Bank of Union, Union, Missouri.

2. *Liberty National Bancorp, Inc.*, Louisville, Kentucky; to acquire, through its wholly-owned subsidiary, CSB Bancshares, Inc., 100 percent of the voting shares of First Indiana Bank, National Association, Milltown, Indiana, and Indiana First National Bank, Charlestown, Indiana.

3. *Okawville Bancshares, Inc.*, Okawville, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of Old Exchange National Bank, Okawville, Illinois.

4. *Old National Bancorp*, Evansville, Indiana; to acquire 100 percent of the voting shares of Furst Farmers Corporation, Madisonville, Kentucky, and thereby indirectly acquire Farmers Bank and Trust Co., Madisonville, Kentucky.

**C. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *Willow Bend Bancshares, Inc.*, Plano, Texas; to acquire 100 percent of the voting shares of Preston North National Bank, Dallas, Texas.

**D. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice



President) 101 Market Street, San Francisco, California 94105:

1. *Eldorado Bancorp.*, Tustin, California; to acquire at least 83.8 percent of the voting shares of American Merchant Bank, Newport Beach, California.

Board of Governors of the Federal Reserve System, October 6, 1987.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 87-23527 Filed 10-9-87; 8:45 am]

BILLING CODE 6210-01-M

**Mercantile Bancorporation, Inc., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 30, 1987.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mercantile Bancorporation, Inc.*, St. Louis, Missouri; to engage *de novo* through its subsidiary, Mercantile Investment Services, Inc., St. Louis, Missouri, in brokerage services consisting of buying and selling securities solely as agent for the account of customers pursuant to § 225.25(b)(15) of the Board's Regulation Y. These activities will be conducted in the states of Missouri, Illinois, and Kansas.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Madison Agency, Inc.*, Sioux Falls, South Dakota; to engage *de novo* through its subsidiary, Madison Agency, Inc., Sioux Falls, South Dakota, in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, October 6, 1987.

James McAfee,

*Associate Secretary of the Board.*

[FR Doc. 87-23528 Filed 10-9-87; 8:45 am]

BILLING CODE 6210-01-M

**PNC Financial Corp., et al.; Applications To Engage de Novo in Permissible Nonbanking Activities**

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested person may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition,

conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 27, 1987.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, Citizens Fidelity Florida, Inc., Orlando, Florida, in arranging commercial real estate equity financing pursuant to § 225.25(b)(14) of the Board's Regulation Y.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *First Commerce Corporation*, New Orleans, Louisiana; to engage *de novo* through its subsidiary, First Commerce Investment Services, Inc., New Orleans, Louisiana, in making available variable rate annuities to its customers pursuant to § 225.25(b)(15) of the Board's Regulation Y.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Comerica Incorporated*, Detroit, Michigan; to engage *de novo* in the issuance and sale at retail of money orders and instruments of issue with face values up to and exceeding \$10,000 pursuant to § 225.25(b)(12) of the Board's Regulation Y. Comments on this application must be received by October 23, 1987.

D. **Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *Standard Chartered PLC and Standard Chartered Bank*, London, England; to engage *de novo* through their subsidiary, Scimitar North American Asset Management, Inc., Boston, Massachusetts, in providing investment advisory services pursuant to § 225.25(b)(4) of the Board's Regulation Y.



Board of Governors of the Federal Reserve System, October 6, 1987.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 87-23529 Filed 10-9-87; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of the Secretary

#### Privacy Act of 1974; Deletion of Notices of Systems of Records

**AGENCY:** Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Office of the Assistant Secretary for Planning and Evaluation is deleting four Privacy Act Systems of Records previously published in the *Federal Register*.

**DATE:** Effective October 13, 1987.

**ADDRESS:** Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Washington DC, 20201.

**FOR FURTHER INFORMATION CONTACT:** For information regarding this action, contact Joan Turek-Brezina, Privacy Act Officer (telephone: 202-245-6141).

Notice is hereby given that the Department of Health and Human Services is deleting the following notices which describe systems of records maintained by the Office of the Assistant Secretary for Planning and Evaluation:

System No.	System name	Date published in the FEDERAL REGISTER
00-09-0087	Recipient Survey for the Monthly Reporting and Retrospective Accounting Study.....	3/24/81
00-09-0090	Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children.....	10/13/82
09-90-0089	National Long-Term Care Survey.....	12/7/81
00-90-0082	Pennhurst Longitudinal Study (also called the Longitudinal Study of the Court Ordered Deinstitutionalization of Pennhurst).....	12/22/80

The records formerly covered by the systems notices for the Pennhurst Longitudinal Study and the Recipient Survey for Monthly Reporting and Retrospective Accounting study have been certified as being destroyed or disposed of by the respective contractors, Temple University and Abt Associates, Inc. The project, Recipient Survey of Alternative Approaches to Financing Day Care for AFDC Children,

was canceled and the survey never conducted. Consequently, no system of records was ever maintained. The National Long-term Care Survey notice has been superseded by the National Long-Term Care Survey Follow-up notice (09-70-0030) of the Health Care Financing Administration.

Dated: October 2, 1987.

Robert B. Helms,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 87-23549 Filed 10-9-87; 8:45 am]

BILLING CODE 4150-04-M

### Alcohol, Drug Abuse, and Mental Health Administration

#### Community Demonstration Grant Projects for Alcohol and Drug Abuse Treatment of Homeless Individuals; Availability of Funds

**AGENCY:** National Institute on Alcohol Abuse and Alcoholism (in consultation with the National Institute on Drug Abuse); HHS.

**ACTION:** Notice of availability of funds.

**SUMMARY:** The National Institute on Alcohol Abuse and Alcoholism in consultation with the National Institute on Drug Abuse announces the availability of Community Demonstration Grant Projects for Alcohol Drug Abuse Treatment of Homeless Individuals, AA-87-04. These grants will be made under the authority of section 613 of Pub. L. 100-77, the Stewart B. McKinney Homeless Assistance Act, which authorizes funds under section 512 of the Public Health Service Act for a new demonstration program for homeless persons with alcohol and/or drug-related problems.

The purpose of this program is to provide, document and evaluate successful and replicable approaches to community-based alcohol and/or drug abuse treatment and rehabilitation services for homeless individuals with alcohol and/or drug-related problems. The program goals are to effect the following changes among the target population: Decreased levels of alcohol and/or drug abuse; increased cooperation and formal linkages among alcohol treatment, drug treatment, and other supportive services in addressing the multiple needs of homeless individuals with alcohol and/or drug-related problems; improved access to shelter and housing (including alcohol and drug-free living environments); increased access to health and mental health services and improved health and mental health status; enhanced

economic status; and improved quality of life.

In fiscal year 1988, NIAAA will make up to ten grant awards for community-based services demonstration projects for alcohol and/or drug-dependent homeless persons. Grant awards will be for 2-year projects. A total of approximately \$8.6 million will be available for demonstration projects concentrated in urban areas with large homeless populations.

The statute authorizes projects to be carried out by community-based public and private nonprofit entities. NIAAA is limiting applicants under this announcement to those entities already in existence with prior experience and expertise in working with alcohol and/or drug-dependent populations and/or homeless populations. Working knowledge of and experience in dealing with the special needs of the target population is essential to the planning and implementation of viable intervention projects. In addition, demonstration programs must be located in urban centers with populations greater than 250,000 persons, or in smaller urban areas which can demonstrate a generic approach that could be replicated in larger areas. This focus on urban centers is intended to maximize benefits of demonstration projects by serving areas which have the highest concentration of the target population.

This program is subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs and 45 CFR Part 100. Executive Order 12372 allows States/territories the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit (Form PHS-398) will contain a listing of States which have chosen to set up a review system and will provide a point of contact in the States for that review. Since 60 days are allowed for the State review, applicants are advised to discuss projects with and provide copies of their applications to State contact points as early as possible.

#### Receipt and Review Procedures for Applications

Applications in response to this announcement will be accepted under the single receipt date of January 5, 1988. The following criteria will be used in the review of applications: Extent to which the applicant demonstrates a clear understanding of the scope and range of service needs among the target population; the availability of community resources in the proposed



demonstration area; level of need for the demonstration project in the proposed locality; prior experience and expertise the applicant and proposed staff demonstrate in working with alcohol and/or drug-dependent populations and/or homeless populations; adequacy of the proposed plan of action and evaluation plan; adequacy of proposed management and coordination strategy; and cultural and programmatic relevance of proposed services for racial and ethnic minority persons.

For additional program guidance, potential applicants should contact: Barbara Lubran, National Institute on Alcohol Abuse and Alcoholism, Room 16C-02, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-0786.

The Catalog of Federal Domestic Assistance number is 13.152.

Doanld Ian Macdonald,

Administrator, Alcohol, Drug Abuse and Mental Health Administration.

[FR Doc. 87-23612 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-20-M

## Food and Drug Administration

[Docket No. 87D-0251]

### Content Uniformity Testing of Tablets and Capsules; Compliance With U.S.P. Monograph Requirements; Availability of Compliance Policy Guide

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The food and Drug Administration (FDA) is announcing the availability of Compliance Policy Guide 7132a.14 (Guide). The Guide affirms that content uniformity testing of tablets and capsules requirements of the United States Pharmacopeia (U.S.P.), including the specification for relative standard deviation to limit large variations in test results, is applicable to U.S.P. products regardless of whether such products are the subject of approved new drug applications. With regard to tablets and capsules which contain less than 50 milligrams of any active ingredient, but which are not subject to U.S.P. compendial requirements, the sections of the current good manufacturing practice regulations that pertain to content uniformity may be satisfied by U.S.P. specifications or by sound alternative specifications.

**ADDRESS:** Requests for single copies of FDA Compliance Policy Guide 7132a.14 may be submitted to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857. (Send two self-addressed adhesive

labels to assist the Branch in processing your requests.)

### FOR FURTHER INFORMATION CONTACT:

Stephen P. Molinari, Center for Drugs and Biologics (HFN-325), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8098.

**SUPPLEMENTARY INFORMATION:** FDA has prepared Compliance Policy Guide 7132a.14 to affirm certain test requirements of the U.S.P. to ensure drug product attributes.

Compliance Policy Guide 7132a.14 is available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. Requests for single copies of Compliance Policy Guide 7132a.14 should refer to the docket number found in brackets in the heading of this document and should be submitted to the Dockets Management Branch (address above).

This notice is issued under 21 CFR 10.85.

Dated: October 2, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-23541 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-01-M

### Advisory Committee Meeting; Amendment of Notice

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice; amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending an advisory committee meeting notice of the Ophthalmic Devices Panel to reflect changes in the schedule and in the agenda. As a result of these changes, there will be a 1 day meeting only. Notice of the October 22 and 23, 1987, meetings was published in the *Federal Register* of September 18, 1987 (52 FR 35329).

**SUPPLEMENTARY INFORMATION:** In FR Doc. 87-21559, appearing at page 35330 in the *Federal Register* of Friday, September 18, 1987, the following corrections are made under the heading, "Ophthalmic Devices Panel" beginning in the first column:

(1) On page 35330, first column, lines 1-4 of the *Date, time, and place* paragraph, the days of the meeting scheduled for October 22-23, 1987, is revised to read as follows:

*Date, time, and place.* October 22, 1987, 9 a.m., Auditorium, Hubert H. Humphrey Bldg., 200 Independence Avenue SW., Washington, DC.

(2) On page 35330, first column, the *Open committee discussion* paragraph is revised to read as follows:

*Open committee discussion.* The committee will discuss issues relating to approvals of premarket approval applications (PMA's) for intraocular lenses and contact lenses. The committee will also discuss general issues relating to other ophthalmic devices and requirements for PMA approval.

(3) On page 35330, first column, the *Closed committee deliberation* paragraph is revised to read as follows:

*Closed committee deliberation.* The committee may discuss trade secret and/or confidential commercial information regarding PMA's. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Dated: October 5, 1987.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 87-23540 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-01-M

## Health Resources and Services Administration

### Program Announcement for Grants for Faculty Development in General Internal Medicine and/or General Pediatrics

The Health Resources and Services Administration, announces that applications for Fiscal Year 1988 Grants for Faculty Development in General Internal Medicine and/or General Pediatrics are being accepted under the authority of section 784 of the Public Health Service Act, as amended by Pub. L. 99-129.

The Administration's budget request for Fiscal Year 1988 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available unexpectedly for this purpose, this contingency action will assure that grants can be awarded in a timely fashion consistent with the needs of the programs as well as provide for even distribution of funds throughout the fiscal year.

Section 784 of the Public Health Act authorizes Federal assistance to schools of medicine and osteopathy, public or private nonprofit hospitals or other public or private nonprofit entities for planning, developing and operating programs for the training of physicians who plan to teach in general internal medicine or general pediatrics training programs. These grants are intended to promote the development of faculty



skills in physicians who are currently teaching or who plan teaching careers in general internal medicine and/or general pediatrics training programs. These grants also provide direct support in the form of traineeships to physicians in training.

In addition, section 784 authorizes the award of grants to support general internal medicine and/or general pediatrics residency training programs. A separate grant program exists for this purpose.

Section 784, as amended by Pub. L. 99-129, requires that the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to general internal medicine and general pediatrics in their medical education training programs.

#### Funding Preference

Preference will be given to applicants that demonstrate a commitment to increase participation by minority physicians in their programs or show evidence of efforts to recruit minority physicians.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-28), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C-22, Rockville, Maryland 20857, Telephone: (301) 443-6960.

Questions regarding programmatic information should be directed to: Chief, Primary Care Graduate Medical Education Branch, Division of Medicine, Health Resources and Services Administration, Bureau of Health Professions, 5600 Fishers Lane, Room 4C-04, Rockville, Maryland 20857, Telephone: 443-1467.

The standard application form PHS 6025-1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915-0060.

The application deadline date is December 4, 1987. Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date, or

2. Postmarked on or before the deadline date and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

This program is listed at 13.900 in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372 Intergovernmental Review of Federal Programs, or 45 CFR Part 100.

Dated: August 20, 1987.

John H. Kelso,

Deputy Administrator.

[FR Doc. 87-23544 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-15-M

#### Program Announcement for Grants for Predoctoral Training in Family Medicine

The Health Resources and Services Administration announces that applications for Fiscal Year 1988 Grants for Predoctoral Training in Family Medicine are being accepted under the authority of section 786(a) of the Public Health Service Act, as amended by Pub. L. 99-129.

Section 786(a) of the Public Health Service Act authorizes the award of grants to assist in meeting the cost of planning, developing and operating or participating in approved predoctoral training programs in the field of family medicine. Grants may include support for the program only or support for both the program and the trainees.

The Administration's budget request for Fiscal Year 1988 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available unexpectedly for this purpose, this contingency action will assure that grants can be awarded in a timely fashion consistent with the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year.

To receive support, programs must meet the requirements of regulations as set forth in 42 CFR Part 57, Subpart Q. Eligible applicants are accredited public or nonprofit private schools of medicine or osteopathic medicine. In accordance with § 57.1605(b)(2), a funding preference will be accorded approved applications for projects in which:

1. Substantial training experience is in settings which exemplify interdependent utilization of physicians and physician assistants or nurse practitioners; and/or

2. Substantial portions of the training program are conducted in a primary medical manpower shortage area which is a part of a health manpower shortage area(s) designated under section 332 of the PHS Act, or, in an Area Health Education Center funded, at least in part, under section 781 of the Act.

#### Special Consideration

Special consideration will be given to applicants where applications indicate substantial efforts to recruit and retain minorities.

Requests for application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-15), Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C-22, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6960.

Should additional programmatic information be required, please contact: Multidisciplinary Resources Development Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C-16, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-3614.

The standard application form PHS 6025-1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915-0060.

The deadline date for receipt of applications is November 20, 1987. Applications shall be considered as meeting the deadline date if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

This program is listed at 13.986 in the *Catalog of Federal Domestic Assistance*. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs or 45 CFR Part 100.

Dated: August 20, 1987.

John H. Kelso,

Deputy Administrator.

[FR Doc. 87-23545 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-15-M

#### Program Announcement for Grants for Residency Training in General Internal Medicine and General Pediatrics

The Health Resources and Services Administration announces that



applications for Fiscal Year 1988 Grants for Residency Training in General Internal Medicine and/or General Pediatrics are being accepted under the authority of section 784, Title VII, of the Public Health Service Act, as amended by Pub. L. 99-129.

Section 784 authorizes the award of grants to planning, developing and operating approved residency training programs which emphasize the training of residents for the practice of general internal medicine general pediatrics. In addition, Section 784 authorizes assistance in meeting the cost of supporting residents who are participants in any such program, and who plan to specialize or work in the practice of general internal or medicine or general pediatrics.

The Administration's budget request for Fiscal Year 1988 does not include funding for this program. This notice regarding applications does not reflect any change in this policy. However, should funds become available unexpectedly for this purpose, this contingency action will assure that grants can be awarded in a timely fashion consistent with the needs of the programs as well as to provide for even distribution of funds throughout the fiscal year.

Eligible applicants are accredited schools of medicine and osteopathy, public and private nonprofit hospitals, or other public or private nonprofit entities.

To receive support, programs must meet the requirements of final regulations as specified in 42 CFR Part 74, Subpart FF.

Section 784, as amended by Pub. L. 99-129, requires that the Secretary shall give priority to applicants that demonstrate to the satisfaction of the Secretary a commitment to general internal medicine and general pediatrics in their medical education training programs.

Section 57.3106(b) of the program regulations requires that preference will be given to projects in which:

1. Substantial training experiences are provided in settings where physician assistants or nurse practitioners, or both, are used as part of a health care team.

2. Administrative and educational resources are coordinated for the use of a program of general internal medicine and a program of general pediatrics which are to be conducted within a single project.

3. Substantial portions of a project are conducted in a primary medical care manpower shortage area(s) designated under section 332 of the Public Health Service Act and in particular, one which

is located in a Metropolitan Statistical Area, as defined by the Office of Federal Statistical Policy and Standards, Department of Commerce; or are conducted in an Area Health Education Center funded, at least in part, under section 781 of the Act.

Additional preference will be given to applicants who demonstrate an increase in minority and disadvantaged residents or show evidence of efforts to recruit minority and disadvantaged into their medical education program.

Requests for grant application materials and questions regarding grants policy should be directed to: Grants Management Officer (D-28), Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 8C-22, Rockville, Maryland 20857, Telephone (301) 443-6960.

Should additional programmatic information be required, please contact: Primary Care Graduate Medical Education Branch, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Room 4C-04, Rockville, Maryland 20857, Telephone (301) 443-1467.

The standard application form PHS 6025-1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915-0060.

The deadline date for receipt of applications is November 20, 1987. Application shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or the U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

This program is listed at 13.884 in the *Catalog of Federal Domestic Assistance*. Applications submitted in response to this announcement are not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Program or 45 CFR Part 100.

Dated: August 20, 1987.

John H. Kelso,

Deputy Administrator.

[FR Doc. 87-23543 Filed 10-9-87; 8:45 am]

BILLING CODE 4160-15-M

## Office of Human Development Services

### Administration for Children, Youth and Families

**AGENCY:** Human Development Services Office, HHS.

**ACTION:** Extension of closing date for receipt of applications.

**SUMMARY:** In the Federal Register of August 5, 1987 (52 FR 29150), the Office of Human Development Services announced that applications were being accepted for a grant to establish a National Resource Center on Child Sexual Abuse authorized by Pub. L. 93-247, as amended, 42 U.S.C. 5101, *et seq.* The closing date for receipt of applications under that announcement was October 5, 1987.

As a result of an earthquake and several aftershocks, many potential applicants in California were unable to gain access to their offices and were prevented from completing their applications. Because of this, the Office of Human Development Services is extending the deadline for submission of applications for all applicants.

The new closing date for receipt of applications is October 9, 1987.

**FOR FURTHER INFORMATION CONTACT:** Cynthia Darling, (202) 245-2856.

Dated: October 6, 1987.

Approved: October 7, 1987.

Dodie Livingston,

Commissioner, Administration for Children, Youth and Families.

Phillip N. Hawkes,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 87-23552 Filed 10-9-87; 8:45 am]

BILLING CODE 4130-01-M

## National Institutes of Health

### Division of Research Resources; General Clinical Research Centers Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the General Clinical Research Centers (GCRC) Committee, Division of Research Resources (DRR), November 18-19, 1987, Pooks Hill Room, Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20014.

The meeting will be open to the public on November 18 from 3:30 p.m. to 5:00 p.m., during which time there will be comments by the Director, DRR; an update on the GCRC Program; and reports on the Clinical Associate Physician Program, the diffusion of the



CLINFO System, possible new technologies for GCRCs, and clinical research data management. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(c)(4) and 552(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 18, from 9:00 a.m. to 3:30 p.m. and from 8:30 a.m. November 19 to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Bldg. 31, Room 5B-10, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-5545, will provide a summary of the meeting and a roster of the Committee members upon request. Dr. Stanley L. Slater, Executive Secretary of the General Clinical Research Centers Review Committee, Bldg. 31, Room 5B-51, National Institutes of Health, Bethesda, Maryland 20892, (301) 496-6595, will furnish program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.333, Clinical Research, National Institutes of Health)

Dated: September 30, 1987.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 87-23627 Filed 10-9-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Cancer Institute; Cancer Therapeutics Program Project Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Therapeutics Program Project Review Committee, National Cancer Institute, National Institutes of Health, December 3-4, 1987, Chevy Chase Holiday Inn, 5520 Wisconsin Avenue, Palladian Room, Chevy Chase, Maryland 20815.

This meeting will be open to the public on December 3 from 8 a.m. to 8:30 a.m., to discuss administrative details. Attendance by the public will be limited to space available.

In accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 3

from 8:30 a.m. to adjournment on December 4, for the review, discussion and evaluation of individual program project grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Winifred Lumsden, the Committee Management Officer, National Cancer Institute, Building 31, Room 10A06, National Institutes of Health, Bethesda, Maryland 20892 (301/496-5708) will provide summaries of the meeting and rosters of committee members, upon request.

Dr. Suzanne E. Fisher, Executive Secretary, Westwood Building, Room 820, Bethesda, Maryland 20892 (301/496-2330) will provide substantive program information, upon request.

Dated: September 30, 1987.

Betty J. Beveridge,

*Committee Management Officer, NIH.*

[FR Doc. 87-23628 Filed 10-9-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of Diabetes and Digestive and Kidney Diseases; Subcommittee B of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of Subcommittee B of the Diabetes and Digestive and Kidney Diseases Special Grants Review Committee, National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) on November 5-6, 1987 at the Hyatt Regency, One Bethesda Metro Center, Bethesda, Maryland 20814. This meeting will be open to the public on November 5 from 7:30 p.m. to 8:30 p.m. to discuss administrative details or other issues relating to committee activities. Attendance by the public will be limited to space available. Notice of the meeting rooms will be posed in the hotel lobby.

In accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 5 from 8:30 p.m. to adjournment and November 6 from 8:30 a.m. to adjournment for the review, discussion and evaluation of individual research grant applications. Discussion of these applications could reveal confidential trade secrets or commercial property, such as patentable material, and

personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Ms. Edith Wynkoop, Committee Management Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, Building 31, Room 9A19, Bethesda, Maryland 20892, 301-496-6917, will provide a summary of the meeting and a roster of the committee members upon request.

Dated: September 30, 1987.

Betty J. Beveridge,

*NIH Committee Management Officer.*

[FR Doc. 87-23629 Filed 10-9-87; 8:45 am]

BILLING CODE 4140-01-M

#### **National Institute of General Medical Sciences; Meetings**

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the committees of the National Institute of General Medical Sciences for November 1987.

These meetings will be open to the public to discuss administrative details relating to committee business for approximately two hours at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available.

These meetings will be closed thereafter in accordance with provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and section 10(d) of Pub. L. 92-463, for the review, discussion, and evaluation of individual research training grant and research center grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Ann Dieffenbach, Public Information Officer, National Institute of General Medical Sciences, National Institutes of Health, Building 31, Room 4A52, Bethesda, Maryland 20892 (Telephone: 301-496-7301), will provide a summary of the meeting and a roster of committee members.

Substantive program information may be obtained from each executive secretary whose name, room number, and telephone number are listed below each committee.

*Name of Committee:* Minority Access to Research Careers Review Committee.



**Executive Secretary:** Dr. Agnes Donahue, Room 949 Westwood Building. Telephone: 301-496-7585.

**Dates of Meeting:** November 5-6, 1987.

**Place of Meeting:** Building 31C, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

**Open:** November 5, 1987, 8:30 a.m.-10:30 a.m.

**Closed:** November 5, 1987, 10:30 a.m.-5:00 p.m.

November 6, 1987, 8:30 a.m.-adjournment.

**Name of Committee:** Cellular and Molecular Basis of Disease Review Committee.

**Executive Secretary:** Dr. Helen Sunshine, Room 950 Westwood Building. Telephone: 301-496-7125.

**Dates of Meeting:** November 9-10, 1987.

**Place of Meeting:** Building 31C, Conference Room 10, National Institutes of Health, Bethesda, Maryland.

**Open:** November 9, 1987, 8:30 a.m.-10:30 a.m.

**Closed:** November 9, 1987, 10:30 a.m.-5:00 p.m.

November 10, 1987, 8:30 a.m.-adjournment.

**Name of Committee:** Genetic Basis of Disease Review Committee.

**Executive Secretary:** Ms. Linda Engel, Room 950 Westwood Building. Telephone: 301-496-7125.

**Date of Meeting:** November 9, 1987.

**Place of Meeting:** Building 31, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

**Open:** November 9, 1987, 8:30 a.m.-10:30 a.m.

**Closed:** November 9, 1987, 10:30 a.m.-adjournment.

(Catalog of Federal Domestic Assistance Program No. 13-859, 13-862, 13-863, 13-880, National Institute of General Medical Sciences, National Institutes of Health)

**Date:** September 30, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87-23630 Filed 10-9-87; 8:45 am]

**BILLING CODE 4140-01-M**

#### **National Institute of Dental Research; Dental Research Programs Advisory Committee; Meeting**

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Dental Research Programs Advisory Committee, National Institute of Dental Research, November 12-13, 1987, in Building 30, Room 117, National Institutes of Health, Bethesda, Maryland, from 9 a.m. to recess on November 12 and from 9 a.m. to adjournment on November 13, 1987.

The entire meeting will be open to the public to discuss research progress and ongoing plans and programs. Attendance by the public will be limited to space available.

Dr. Marie Nysten, Director for Extramural Programs, NIDR, NIH, Westwood Building, Room 503, Bethesda, MD 20892 (telephone 301/496-7723) will provide a summary of the meeting, roster of committee members and substantive program information upon request.

(Catalog of Federal Domestic Assistance Program Nos. 13.121—Diseases of the Teeth and Supporting Tissues; Caries and Restorative Materials; Periodontal and Soft Tissue Diseases; 13.122—Disorder of Structure, Function, and Behavior, Craniofacial Anomalies, Pain Control, and Behavioral Studies; 13-845—Dental Research Institutes, National Institutes of Health)

**Dated:** October 1, 1987.

**Betty J. Beveridge,**

*Committee Management Officer, NIH.*

[FR Doc. 87-23631 Filed 10-9-87; 8:45 am]

**BILLING CODE 4140-01-M**

#### **Public Health Service**

##### **National Toxicology Program; Availability of Technical Report on Toxicology and Carcinogenesis Studies of Chlorendic Acid**

The HHS' National Toxicology Program announces the availability of the NTP Technical Report on the toxicology and carcinogenesis studies of chlorendic acid, a chemical intermediate used in the preparation of fire-retardant polyester resins and plasticizers.

Toxicology and carcinogenesis studies of chlorendic acid were conducted by administering the chemical in feed to groups of 50 male and 50 female F344/N rats and B6C3F<sub>1</sub> mice at concentrations of 0, 620, or 1,250 ppm for 103 weeks.

Under the conditions of these 2-year feed studies, there was clear evidence of carcinogenicity<sup>1</sup> of chlorendic acid for male F344/N rats as shown by increased incidences of neoplastic nodules of the liver and acinar cell adenomas of the pancreas. Increased incidences of alveolar/bronchiolar adenomas and preputial gland carcinomas may also have been related to the administration of chlorendic acid. There was clear evidence of carcinogenicity of

chlorendic acid for female F344/N rats as shown by increased incidences of neoplastic nodules and of carcinomas of the liver. There was clear evidence of carcinogenicity of chlorendic acid for male B6C3F<sub>1</sub> mice as shown by increased incidences of hepatocellular adenomas and of hepatocellular carcinomas. There was no evidence of carcinogenicity of chlorendic acid for female B6C3F<sub>1</sub> mice given chlorendic acid in the diet at concentrations of 620 or 1,250 ppm for 103 weeks.

The Chemical Manager for this bioassay is Dr. J. E. French. Questions or comments about the contents of this technical report should be directed to Dr. French at P.O. Box 12233, Research Triangle Park, NC 27709 or telephone (919) 541-7790; FTS; 629-7790.

Copies of *Toxicology and Carcinogenesis Studies of Chlorendic Acid in F344/N Rats and B6C3F<sub>1</sub> Mice (Feed Studies)* (TR 304) are available without charge from the NTP Public Information Office, MD B2-04, P.O. Box 12233, Research Triangle Park, NC 27709. Telephone: (919) 541-3391. FTS: 629-3991.

**Dated:** October 2, 1987

**David P. Rall,**

*Director.*

[FR Doc. 87-23632 Filed 10-9-87; 8:45 am]

**BILLING CODE 4140-01-M**

#### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

##### **Office of the Assistant Secretary for Community Planning and Development**

[Docket No. N-87-1731; FR-2394]

##### **Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice of application deadline for funds under CDBG program for Indian Tribes and Alaskan Native Villages for Fiscal Year 1988.

**SUMMARY:** This Notice sets the deadline dates for filing applications for funds under the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages for Fiscal Year 1988. Applications are required in order to provide HUD with the information necessary to rate the proposed project(s) and to assure HUD that the necessary citizen participation has taken place.

<sup>1</sup> The NTP uses five categories of evidence of carcinogenicity to summarize the evidence observed in each animal study: two categories for positive results ("clear evidence" and "some evidence"), one category for uncertain findings ("equivocal evidence"), one category for no observable effect ("no evidence"), and one category for studies that cannot be evaluated because of major flaws ("inadequate study").



**FOR FURTHER INFORMATION CONTACT:**

Mr. Leroy P. Gonnella, Office of Program Policy Development, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, (202) 755-6092. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** This Notice sets the deadline dates for submitting applications for the Community Development Block Grant Program for Indian Tribes and Alaskan Native Villages. HUD will use the information furnished in these applications to rate the proposed project(s) and to assure the Department that there has been the necessary citizen participation. These dates apply only to applications submitted by Indian Tribes and Alaskan Native Villages for Fiscal Year 1988.

The field responsibility for the administration of the program is divided among the following offices: Region V Office of Indian Programs (OIP) in Chicago, responsible for all HUD Indian program activities within Regions I-V, plus the State of Iowa; Oklahoma City Office, responsible for all HUD Indian program activities in the States of Arkansas, Texas, Oklahoma, Kansas, Louisiana, and Missouri; Region VIII, OIP in Denver, responsible for all HUD Indian program activities in Region VIII, plus the States of Nebraska; Region IX OIP in Phoenix, responsible for all HUD Indian program activities in Region IX, plus the State of New Mexico; Region X OIP in Seattle, responsible for all HUD Indian program activities in Region X, with the exception of the State of Alaska; and the Anchorage Office, responsible for all HUD Indian and Alaskan Native program activities in the State of Alaska.

Applications will be accepted by HUD as of the publication date of this Notice.

**FINAL DATES FOR SUBMISSION OF APPLICATIONS**

Offices	Applications must be submitted no later than
Region VIII, OIP	Nov. 25, 1987
Region X, OIP	Dec. 18, 1987
Region IX, OIP	Jan. 22, 1988
Oklahoma City Office	Jan. 29, 1988
Region V, OIP	Feb. 29, 1988
Anchorage Office	March 31, 1988

Applications must be received or postmarked no later than the closing date specified above. Applications received or postmarked after the deadline will not be considered.

Tribes and Villages submitting applications for this program must do so on HUD forms approved by the Office of

Management and Budget under OMB Control Number 2506-0043. These forms request participation has taken place. Forms will be provided by the appropriate HUD Field Offices.

**Authority:** Section 107, Housing and Community Development Act of 1974 (42 U.S.C. 5307); section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Date: October 5, 1987.

Jack R. Stokvis,

General Deputy, Assistant Secretary for Community Planning and Development.  
[FR Doc. 87-23671 Filed 10-9-87; 8:45 am]

BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Uncompahgre Valley Hydropower Project, AB Lateral Hydropower Facility, Colorado; Environmental Scoping Meetings

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of environmental scoping meetings.

**SUMMARY:** Pursuant to CEQ Regulations and Bureau of Reclamation (BR) policy, the Department of the Interior announces two environmental scoping meetings on the AB Lateral Hydropower Facility, Uncompahgre Valley Hydropower Project. Studies for the project have been underway since 1984. During this time, considerable input has been received from interested agencies and individuals. Two meetings will be held to elicit information to use in determining the scope of the environmental impacts and the issues related to the proposal. The results of the meetings will help the Bureau of Reclamation determine whether an environmental impact statement will be prepared on the proposed action.

**DATES:** The meetings will be held on October 27, 1987, at 7:00 p.m. in Lakewood, Colorado, and October 28, 1987, at 7:00 p.m. in Montrose, Colorado.

**ADDRESS:** The meetings will be held in the Bergan Park Room of the Sheraton Hotel and Convention Center, 360 Union Boulevard, Lakewood, Colorado, and in the Meeting Room of the Montrose County Chamber of Commerce Building, 550 North Townsend Avenue, Montrose, Colorado.

**FOR FURTHER INFORMATION CONTACT:**

The contact person for this environmental scoping effort is Steve McCall, Bureau of Reclamation, Grand Junction Projects Office, P.O. Box 1889,

Grand Junction, Colorado, 81502, telephone (303) 242-8621, extension 441.

**SUPPLEMENTARY INFORMATION:** The purpose of the facility is to develop hydropower potential in the Uncompahgre Valley for the production of baseload electrical energy. The facility would use hydropower potential afforded by the flow of irrigation water through the Uncompahgre Project, an existing Bureau of Reclamation irrigation project.

The AB Lateral Hydropower Facility would be privately constructed and operated by the Uncompahgre Valley Water Users Association and Montrose Partners. The Bureau of Reclamation serves as the lead Federal agency for compliance with the National Environmental Policy Act.

The facility, to be located near the city of Montrose in west-central Colorado would consist of a diversion and intake works on an enlarged AB Lateral and a 7.4-mile buried pipeline leading to a powerhouse and tailrace leading to the Uncompahgre River. A maximum of 1,100 cubic feet per second of water would be diverted through the powerplant to produce about 240 million kilowatt-hours of electricity per year. The facility would use water diverted from the Gunnison River through the existing Gunnison Tunnel to the AB Lateral. Some of the existing irrigation flows would be utilized for the facility during the irrigation season. These flows could be increased by additional diversions from the Gunnison River when water is available through existing water rights. The facility would be operated year-round, and although flows in the Gunnison River and in parts of the irrigation system would be changed from pre-project flows, the facility would be operated to meet existing minimum flow levels in the Gunnison River below the Gunnison Tunnel and existing irrigation needs.

Dated: October 6, 1987.

C. Dale Duvall,  
Commissioner.

[FR Doc. 87-23514 Filed 10-9-87; 8:45 am]

BILLING CODE 4310-09-M

## INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 213X)]

### CSX Transportation, Inc., Exemption; Abandonment in Jefferson County, AL

Applicant has filed a notice of exemption under 49 CFR 1152 Subpart F-Exempt Abandonments to abandon its line of railroad between milepost NC-



397.34 near Chetopa, AL, and milepost NC-400.00 near Vulcan, AL, and between milepost NH-399.20 at Vulcan and milepost NH-400.46 near Sayre, AL, a distance of 3.92 miles, in Jefferson County, AL.

Applicant has certified (1) that no local traffic has moved over the line for at least 2 years and that overhead traffic is not moved over the line or may be rerouted, and (2) that no formal complaint filed by a user of rail service on the line (or by a State or local governmental entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or any U.S. District Court, or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

Applicant has filed an environmental report which shows that no significant environmental or energy impacts are likely to result from this abandonment.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected pursuant to *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).<sup>1</sup>

The exemption will be effective November 12, 1987 (unless stayed pending reconsideration). Petitions to stay must be filed by October 23, 1987, and petitions for reconsideration, including environmental, energy and public use concerns, must be filed by November 2, 1987 with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any petition filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, 500 Water St., Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, use of the exemption is void *ab initio*.

A notice to the parties will be issued if use of the exemption is conditioned upon environmental or public use conditions.

Decided: October 5, 1987.

By the Commission, Jane F. Mackall,  
Director, Office of Proceedings.  
Noreta R. McGee,  
Secretary.

[FR Doc. 87-23421 Filed 10-9-87; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31060]

### Thomas C. Graham; Exemption

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts Thomas C. Graham from the provisions of 49 U.S.C. 11322 to permit him to serve on the Boards of Directors of International Paper Corporation and USX Corporation.

DATES: This exemption will be effective on November 6, 1987.

ADDRESSES: Send pleadings referring to Finance Docket No. 31060 to:

- (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
- (2) Petitioner's representative: Mark T. Priesing, 1054 Thirty-First Street, NW., Suite 200, Washington, DC 20007-4492

#### FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275-7245  
(TDD for hearing impaired: (202) 275-1721)

#### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area). (Assistance for the hearing impaired is available through TDD services (202) 275-1721) or by pickup from Dynamic Concepts, Inc., in Room 2229 at Commission headquarters.

Decided: September 30, 1987.

By the Commission, Chairman Gradison,  
Vice Chairman Lamboley, Commissioners  
Sterrett, Andre, and Simmons.

Noreta R. McGee,

Secretary.

[FR Doc. 87-23505 Filed 10-9-87; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

[Docket No. 86-37]

### Larry R. Killough, M.D.; Revocation of Registration

On March 24, 1986, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Larry R. Killough, M.D. (Respondent) of 1300 South Main Street, Searcy, Arkansas 72143, proposing to revoke his DEA Certificate

of Registration AK3231999 and to deny any pending applications for renewal of such registration. The statutory basis for the Order to Show Cause was that Respondent was convicted in the United States District Court for the Eastern District of Arkansas, of knowingly and intentionally distributing Schedule II narcotic and non-narcotic controlled substances outside the course of professional practice in violation of 21 U.S.C. 841(a)(1).

By letter dated April 23, 1986, Respondent's counsel requested a hearing on the issues raised by the Order to Show Cause. The matter was placed on the docket of Administrative Law Judge Francis L. Young and the hearing was held in Washington, DC on September 30, 1986.

On March 19, 1987, the Administrative Law Judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. Respondent filed exceptions to Judge Young's recommended ruling pursuant to 21 CFR 1316.66. On July 2, 1987, the Administrative Law Judge transmitted the record in the proceeding, including Respondent's exceptions, to the Administrator. The Administrator has considered this record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter, based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrative Law Judge found that on July 30, 1984, an investigator assigned to the Arkansas State Police Diversion Investigation Unit was advised by an individual, who at that time was a prisoner and admitted drug abuser, that he had been obtaining large quantities of Preludin (phenmetrazine), a Schedule II non-narcotic controlled substance, unlawfully from Respondent. Between August 1 and August 15, 1984, at the direction and under the control of the state investigator, the individual met with Respondent three times. On each occasion, the individual purchased prescriptions for Schedule II controlled substances from Respondent for the price of \$200 per visit. At no time did the individual demonstrate any legitimate medical need. On August 17, 1984, the individual purchased four prescriptions from Respondent for Schedule II controlled substances for the sum of \$400. Respondent issued these prescriptions even though he was told by the individual that he had a drug abuse problem from which he was slowly withdrawing; he was also told by the individual that the bulk of the drugs obtained would be sold on the street. On August 21, 1984, the individual,

<sup>1</sup> The Railway Labor Executives' Association has filed a request for the imposition of labor protective conditions. As the sought exemption involves a transaction under 49 U.S.C. 10903, labor protective conditions have been imposed routinely.



accompanied by the investigator acting in an undercover capacity, met with Respondent and arranged for the purchase of a prescription for 36 Dilaudid 4 mg. tablets, a Schedule II narcotic controlled substance. On August 22, 1984, the individual obtained the Dilaudid prescription from Respondent.

On August 31, 1984, the investigator, acting in an undercover capacity, showed Respondent four diamonds which he represented as samples of 22 stones which he would trade for prescriptions. After some discussion, Respondent stated he would annotate the individual's medical chart to show fictitious visits on August 29 and September 5 and 12, 1984, and issue a prescription bearing each date, in exchange for the 22 diamonds. On September 14, 1984, the investigator met Respondent in a motel room. The meeting was videotaped. During the meeting, the investigator gave Respondent 22 cubic zircon stones in exchange for three prescriptions for Schedule II controlled substances.

Based upon the undercover investigation described above, Respondent was subsequently indicted and tried before a jury in the United States District Court for the Eastern District of Arkansas. Respondent was convicted on eight counts of distribution of a controlled substance for other than a legitimate medical purpose, in violation of 21 U.S.C. 841(a)(1). He was sentenced on June 18, 1985, to 20 months incarceration and fined \$40,000.

In June 1985, subsequent to his conviction, Respondent surrendered his medical practice license to the Arkansas Medical Board. In September 1985, his medical license was suspended in that state. On April 18, 1986, the Arkansas Medical Board unanimously decided to reinstate Respondent's license to practice medicine in that state and granted permission for Respondent to reapply for all schedules of his DEA registration with the exception of Schedule II. On June 4, 1986, Respondent applied for renewal of his DEA Registration No. AK3231999, in Schedules III, IV and V only.

The Administrative Law Judge found that Respondent has not provided a satisfactory explanation for his conduct of writing controlled substance prescriptions for the individual and the investigator. After noting that Respondent has not admitted to any motivation for his conduct, the Administrative Law Judge concluded that Respondent's motive was greed. The individual paid Respondent \$100 for each prescription. The undercover officer offered, and Respondent

accepted, what Respondent believed to be a large number of stolen valuable gems in exchange for prescriptions. The Administrative Law Judge determined that Respondent was unable to put the motivation of greed behind him, and that Respondent might succumb to such temptation again. Based upon those findings, the Administrative Law Judge recommended that Respondent's DEA Certificate of Registration be revoked, and that his application for renewal of said registration be denied.

The Administrator adopts the recommended ruling, findings of fact, conclusions of law and decision of the Administrative Law Judge in its entirety.

A felony conviction relating to controlled substances is a sufficient ground for the revocation of a registrant's DEA Certificate of Registration. *Fitzhugh v. D.E.A.*, 813 F.2d 1248 (D.C. Cir. 1987).

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, AK3231999, previously issued to Respondent be, and hereby is, revoked. It is further ordered that any pending applications for renewal be, and hereby are, denied.

This order is effective November 12, 1987.

Dated: October 5, 1987.

John C. Lawn,  
Administrator.

[FR Doc. 87-23520 Filed 10-9-87; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF LABOR

### Pension and Welfare Benefits Administration

#### Advisory Council on Employee Welfare and Pension Benefits Plans; Work Group Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Work Group on Retiree Health of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held at 10:00 a.m., Friday, November 13, 1987, at the American Association of Retired Persons, (AARP), 1909 K Street, NW., Room 830, Washington, DC 20049.

This eight-member work group was formed by the Advisory Council to study issues relating to retiree health benefit programs for employee welfare plans covered by ERISA.

The purpose of the November 13 meeting is to hear from several experts

in the field of Retiree Health who have been invited to participate in a round-table discussion of the following issue:

How does the retiree health benefit fit into the realm of all employee benefits?

In addition, the work group will take testimony from employee representatives, employer representatives and other interested individuals and groups regarding subject matter.

Individuals, or representatives or organizations, wishing to address the work group should submit written requests on or before November 9, 1987 to Charles W. Lee, Jr., Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue NW., Washington, DC 20210. Oral presentations will be limited to ten minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before November 9, 1987.

Signed at Washington, DC This 7th day of October, 1987.

David M. Walker, CPA,

Assistant Secretary-Designate for Pension and Welfare Benefits Administration.

[FR Doc. 87-23653 Filed 10-9-87; 8:45 am]

BILLING CODE 4510-29-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (87-82)]

### NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Ad Hoc Review Team on Acoustic Wind Tunnel Requirements.

Date and Time: October 28, 1987, 8:15 a.m. to 5 p.m.

**ADDRESS:** National Aeronautics and Space Administration, Room 625,



Federal Office Building 10B,  
Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Randolph A. Graves, Jr., Office of  
Aeronautics and Space Technology,  
National Aeronautics and Space  
Administration, Washington, DC 20546,  
202/453-2828.

**SUPPLEMENTARY INFORMATION:** The  
NAC Aeronautics Advisory Committee  
(AAC) was established to provide  
overall guidance and direction to the  
Office of Aeronautics and Space  
Technology (OAST). Special ad hoc  
teams were formed to address specific  
topics. The Ad Hoc Team on Acoustic  
Wind Tunnel Requirements, chaired by  
Mr. Dean Borgman, is comprised of nine  
members. The meeting will be open to  
the public up to the seating capacity of  
the room (approximately 30 persons  
including the team members and other  
participants).

Type of Meeting: Open.

**Agenda**

October 28, 1987

- 8:45 a.m.—Review of charter,  
objectives and meeting schedule.
- 11 a.m.—Presentation of Army  
acoustic testing requirements for  
rotorcraft.
- 1:30 p.m.—Presentation of civil  
acoustic testing requirements.
- 5 p.m.—Adjourn.

September 30, 1987.

Richard L. Daniels,

*Advisory Committee Management Officer,  
National Aeronautics and Space  
Administration.*

[FR Doc. 87-23564 Filed 10-9-87; 8:45 am]

BILLING CODE 7510-01-M

The meeting will be held in the Old  
Post Office Building, 1100 Pennsylvania  
Avenue NW., Washington, DC. A  
portion of the morning and afternoon  
sessions on November 12-13, 1987, will  
not be open to the public pursuant to  
subsections (c)(4), (6) and (9)(B) of  
section 552b of Title 5, United States  
Code because the Council will consider  
information that may disclose: Trade  
secrets and commercial or financial  
information obtained from a person and  
privileged or confidential; information of  
a personal nature the disclosure of  
which will constitute a clearly  
unwarranted invasion of personal  
privacy; and information the disclosure  
of which would significantly frustrate  
implementation of proposed agency  
action. I have made this determination  
under the authority granted me by the  
Chairman's Delegation of Authority  
dated January 15, 1978.

The agenda for the sessions on  
November 12, 1987, will be as follows:

**Committee Meetings**

- 8:30-9:30 a.m.—Coffee for Council  
Members—Room 526 (Open to the  
Public)
- 9:30-10:30 a.m.—Committee Meetings—  
Policy Discussion

Education Programs—Room M-14  
Fellowship Programs—Room 315  
General Programs—Room 415  
Research Programs—Room 316-2  
State Programs—Room M-07 East  
10:30 a.m. until Adjourned—(Closed to  
the Public for the reasons stated  
above)—Consideration of specific  
applications  
(Open to the Public)  
Policy Discussion

- 3:00-3:30 p.m.  
Challenge Grants—Room 430  
Preservation Grants—Room M-07  
West
- 3:30 p.m. until Adjourned—(Closed to  
the Public for the reasons stated  
above)—Consideration of specific  
applications

The morning session on November 13,  
1987, will convene at 9:00 a.m., in the 1st  
Floor Council Room, M-09, and will be  
open to the public. The agenda for the  
morning session will be as follows:

(Coffee for Staff and Council members  
attending meeting will be served from  
8:30-9:00 a.m.)

**Minutes of the Previous Meeting**

**Reports**

- A. Introductory Remarks
- B. Introduction of New Staff
- C. Contracts Awarded in the Previous  
Quarter
- D. Final Fiscal Year Reports:

Applications; Matching; and  
Obligations

- E. Fiscal Year 1988 Appropriations
- F. Biennial Election of Vice Chairman  
of the National Council on the  
Humanities
- G. National Capital Arts and Cultural  
Affairs Program
- H. Humanities Teachers in the 1990s  
and Beyond
- I. Committee Reports on Policy and  
General Matters
  - 1. Education Programs
  - 2. Fellowship Programs
  - 3. Preservation Grants
  - 4. Research Programs
  - 5. General Programs.
  - 6. State Programs
  - 7. Challenge Grants
  - 8. Jefferson Lecture
- J. OMB Hearing on Fiscal Year 1989  
Budget
- K. Actions on Emergency Grant  
Requests
- L. Actions Departing from Council  
Recommendation

The remainder of the proposed  
meeting will be given to the  
consideration of specific applications  
(closed to the public for the reasons  
stated above).

Further information about this  
meeting can be obtained from Mr.  
Stephen J. McCleary, Advisory  
Committee Management Officer,  
Washington, DC 20506, or call area code  
(202) 786-0322.

Stephen J. McCleary,  
*Advisory Committee Management Officer.*  
[FR Doc. 87-23582 Filed 10-9-87; 8:45 am]

BILLING CODE 7536-01-M

**NATIONAL FOUNDATION ON THE  
ARTS AND THE HUMANITIES**

**National Council on the Humanities;  
Meeting**

October 9, 1987.

Pursuant to the provisions of the  
Federal Advisory Committee Act (Pub.  
L. 92-463, as amended) notice is hereby  
given that a meeting of the National  
Council on the Humanities will be held  
in Washington, DC on November 12-13,  
1987.

The purpose of the meeting is to  
advise the Chairman of the National  
Endowment for the Humanities with  
respect to policies, programs, and  
procedures for carrying out her  
functions, and to review applications for  
financial support and gifts offered to the  
Endowment and to make  
recommendations thereon to the  
Chairman.

**NATIONAL COMMUNICATIONS  
SYSTEM**

**Federal Telecommunications  
Standards; Data Communication  
Systems and Services—Measurement  
Methods for User-Oriented  
Performance Evaluation**

**AGENCY:** Office of Technology and  
Standards, NCS.

**ACTION:** Notice for comment on  
proposed standard.

**SUMMARY:** The purpose of this notice is  
to solicit the views of Federal agencies,  
industry, the public, and State and local  
governments on proposed Federal  
Telecommunications Standard 1043,  
"Telecommunications: Data  
Communication Systems and Services—  
Measurement Methods for User-  
Oriented Performance Evaluation."  
**DATE:** Comments are due January 15,  
1988.



**ADDRESS:** Send comments to National Communications System, Office of Technology and Standards, Washington, DC 20305-2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dennis Bodson, National Communications System, telephone (202) 692-2124.

**SUPPLEMENTARY INFORMATION:**

1. The General Services Administration (GSA) is responsible under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, for the Federal Standardization Program. On August 14, 1972, the Administrator of General Services designated the National Communications System (NCS) as the responsible agent for the development of Federal telecommunications standards for NCS interoperability and the computer communication interface.

2. Prior to the adoption of proposed Federal standards, it is important that proper consideration be given to the needs and views of Federal agencies, industry, the public, and State and local governments.

3. Request for copies of the draft FED-STD 1043 should be directed to the National Communications System, Office of Technology and Standards, Washington, DC 20305-2010.

Edward P. Greene,

*Acting Assistant Manager, NCS Office of Technology & Standards.*

[FR Doc. 87-23581 Filed 10-9-87; 8:45 am]

BILLING CODE 3610-05-M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget (OMB) Review

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection.

**SUMMARY:** The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: new, revision or extension: Revision.

2. The title of the information collection: Application for License to Export Nuclear Material and Equipment.

3. The form number if applicable: NRC Form 7.

4. How often the collection is required: Once for each separate request for a specific export license.

5. Who will be required or asked to report: Any person in the U.S. who wishes to export nuclear material and equipment subject to the requirements of a specific license.

6. An estimate of the number of reporting responses: 140.

7. An estimate of the total number of hours needed to complete the reporting and recordkeeping requirements: 140 Hours.

8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: Any person in the U.S. wishing to export nuclear material and equipment requiring a specific authorization should file an application for a license on NRC Form 7. The application will be reviewed by the NRC and by the Executive Branch and, if applicable statutory, regulatory, and policy considerations are satisfied, the NRC will issue a license authorizing the export.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Vartkes L. Broussalian, (202) 395-3084.

The NRC Clearance Office is Brenda Jo Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 6th day of October 1987.

For the Nuclear Regulatory Commission,  
Ronald M. Scroggins,

*Acting Director, Office of Administration and Resources Management.*

[FR Doc. 87-23633 Filed 10-9-87; 8:45 am]

BILLING CODE 7590-01-M

### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget (OMB) Review

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection.

**SUMMARY:** The NRC has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of submission: new, revision or extension: Revision.

2. The title of the information collection: 10 CFR Part 110—Rules and Regulations for the Export and Import of Nuclear Equipment and Material.

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Any person in the U.S. who wishes to export or import nuclear material and equipment subject to the requirements of a specific license.

6. An estimate of the number of reporting responses: 39.

An estimate of the number of recordkeeping responses referred to in § 110.53(b): 125.

7. An estimate of the total number of hours needed to complete the reporting and recordkeeping requirements: 188 hours.

8. An indication of whether section 3504(h), Pub. L. 96-511 applies: Not applicable.

9. Abstract: 10 CFR Part 110 provides application, reporting, and recordkeeping requirements for the export and import of nuclear equipment and material.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street NW., Washington, DC 20555.

Comments and questions should be directed to the OMB reviewer, Vartkes L. Broussalian, (202) 395-3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 492-3182.

Dated at Bethesda, Maryland, this 6th day of October 1987.

For the Nuclear Regulatory Commission.

Ronald M. Scroggins,

*Acting Director, Office of Administration and Resources Management.*

[FR Doc. 87-23634 Filed 10-9-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

### Connecticut Yankee Atomic Power Co.; Haddam Neck Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 to Connecticut Yankee Atomic Power Company (the licensee) for the Haddam Neck Plant located at the licensee's site in Middlesex County, Connecticut.

#### Environmental Assessment

##### Identification of Proposed Action

The licensee is requesting an exemption from Paragraph III.A.3 of 10 CFR Part 50 Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors." In 1973, Appendix J was issued to establish



requirements for primary containment leakage testing and incorporated by reference, ANSI N45.4-1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors." This Standard requires that containment leakage calculations be performed by using either the point-to-point method or the total time method. The total time method was used the most by the nuclear industry until about 1976.

At this time, licensees who wish to use mass-point must submit an application for exemption from the Appendix J requirement that containment integrated leak rate tests will conform to ANSI N45.4. The exemption proposed by the licensee would be granted until pending changes to Appendix J become effective. The exemption applies only to the method of calculating containment leakage. In the mass-point method, the mass of air in containment is calculated and plotted as a function of time. Leakage is calculated from the slope of the Linear Least Squares.

With the present developments in technology, the mass-point method has gained increasing recognition. In the total time method, a series of leakage rates are calculated on the basis of air mass differences between an initial data point and each individual data point thereafter. If for any reason (such as instrument error, lack of temperature equilibrium, ingassing or outgassing) the initial data point is not accurate, the result of the test will be affected. In the point-to-point method, the leak rates are based on the mass difference between each pair of consecutive points which are averaged to yield a single leakage rate estimate. Mathematically, this can be shown to be the difference between the air mass at the beginning of the test and the air mass at the end of the test expressed as a percentage of the containment air mass. It follows from the above that the point-to-point method ignores any mass readings during the test and thus the leakage rate is calculated on the basis of the difference in mass between two measurements taken at the beginning and at the end of the test, which are 24 hours apart.

The licensee's request for exemption and the bases therefore are contained in a letter dated July 10, 1987.

#### *The Need for the Proposed Action*

The exemption is needed to allow continued use of the mass-point analysis method at the Haddam Neck Plant.

#### *Environmental Impact of the Proposed Action*

The proposed exemption will have no incremental environmental impact

relative to current practice because the exemption will allow testing to be conducted in the same manner as it is currently performed.

The error in the total time method creates a higher probability of unnecessarily failing a containment integrated leakage rate test (note that the calculational procedure is independent of containment tightness) possibly resulting in increase test frequency, critical path outage time, and exposure to test personnel.

The radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents, and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

#### *Alternatives to the Proposed Action*

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no environmental impact or greater environmental impact.

#### *Alternative Use of Resources*

This action does not involve the use of resources beyond the scope of resources used during normal plant operation.

#### *Agencies and Persons Consulted*

The Commission's staff reviewed the licensee's request that supports the proposed exemption. The staff did not consult other agencies or persons.

#### *Finding of No Significant Impact*

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the request for exemption submittal dated July 10, 1987 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Dated at Bethesda, Maryland, this 5th day of October, 1987.

For the Nuclear Regulatory Commission.

Cecil O. Thomas,

Director, Integrated Safety Assessment  
Project Directorate, Divisions of Reactor  
Projects III/IV/V and Special Projects.

[FR Doc. 87-23635 Filed 10-9-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

#### **Northeast Nuclear Energy Co., Millstone Nuclear Power Station, Unit No. 1; Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Appendix J to 10 CFR Part 50 to Northeast Nuclear Energy Company (the licensee) for the Millstone Nuclear Station, Unit No. 1, located at the licensee's site in New London County, Connecticut.

#### **Environmental Assessment**

##### *Identification of Proposed Action*

The licensee is requesting an exemption from Paragraph III.A.3 of 10 CFR Part 50 Appendix J, "Primary Reactor Containment Leakage Testing for Water-Cooled Power Reactors." In 1973, Appendix J was issued to establish requirements for primary containment leakage testing and incorporated by reference, ANSI N45.4-1972, "Leakage Rate Testing of Containment Structures for Nuclear Reactors." This standard requires that containment leakage calculations be performed by using either the point-to-point method or the total time method. The total time method was used the most by the nuclear industry until about 1976.

At this time, licensees who wish to use mass-point must submit an application for exemption from the Appendix J requirement that containment integrated leak rate tests will conform to ANSI N45.4. The exemption proposed by the licensee would be granted until pending changes to Appendix J become effective. The exemption applies only to the method of calculating containment leakage. In the mass-point method, the mass of air in containment is calculated and plotted as a function of time and leakage is calculated from the slope of the linear least squares.

With the present developments in technology, the mass-point method has gained increasing recognition.

The superiority of the mass-point method becomes apparent when it is compared with the two other methods. In the total time method, a series of



leakage rates are calculated on the basis of air mass differences between an initial data point and each individual data point thereafter. If for any reason (such as instrument error, lack of temperature equilibrium, ingassing or outgassing) the initial data point is not accurate, the results of the test will be affected. In the point-to-point method, the leak rates are based on the mass difference between each pair of consecutive points which are then averaged to yield a single leakage rate estimate. Mathematically, this can be shown to be the difference between the air mass at the beginning of the test and the air mass at the end of the test expressed as a percentage of the containment air mass. It follows from the above that the point-to-point method ignores any mass readings during the test and thus the leakage rate is calculated on the basis of the difference in mass between two measurements taken at the beginning and at the end of the test, which are 24 hours apart.

The licensee's request and bases for exemption are contained in a letter dated July 10, 1987.

#### *The Need for the Proposed Action*

The exemption is needed to allow continued use of the mass-point analysis method at Millstone Unit No. 1.

#### *Environmental Impact of the Proposed Action*

The proposed exemption will have no incremental environmental impact relative to current practice because the exemption will allow testing to be conducted in the same manner as it is currently performed.

The erraticism of the total time method creates a higher probability of unnecessarily failing a containment integrated leakage rate test (note that the calculational procedure is independent of containment tightness) possibly resulting in increased test frequency, critical path outage time, and exposure to test personnel.

Thus, radiological releases will not be greater than previously determined, nor does the proposed exemption otherwise affect radiological plant effluents, and has no other environmental impact. Therefore, the Commission concludes that there are no significant radiological or non-radiological environmental impacts associated with the proposed exemption.

#### *Alternative to the Proposed Action*

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption will have either no

environmental impact or greater environmental impact.

#### *Alternative Use of Resources*

This action does not involve the use of resources beyond the scope of resources used during normal plant operation.

#### *Agencies and Persons Consulted*

The Commission's staff reviewed the licensee's request that supports the proposed exemption. The staff did not consult other agencies or persons.

#### *Finding of No Significant Impact*

Based upon the foregoing environmental assessment, the Commission concluded that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the request for exemption submittal dated July 10, 1987 which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555, and at the local public document room located at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated at Bethesda, Maryland, this 5th day of October, 1987.

For the Nuclear Regulatory Commission,  
Cecil O. Thomas,

*Director, Integrated Safety Assessment  
Project Directorate, Division of Reactor  
Projects III/IV/V and Special Projects.*

[FR Doc. 87-23636 Filed 10-9-87; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-440, 50-441]

#### **Cleveland Electric Illuminating Co., et. al., Perry Nuclear Power Plant, Units 1 and 2, Issuance of Final Director's Decision**

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has issued a Director's Decision concerning a Petition dated June 5, 1987, filed by Terry J. Lodge on behalf of the Toledo Coalition for Safe Energy, Sunflower Alliance, Inc., Susan B. Carter and Steve Sass (Petitioners). The Petitioners requested that the Nuclear Regulatory Commission (NRC) issue an order to show cause why the operating license for the Perry Nuclear Power Plant, Unit 1, should not be modified or revoked pending full consideration of certain issues raised in the 1975 General Electric Company Nuclear Reactor Study ("Reed Report")

prepared by a team of General Electric engineers. The Petition alleged that the Reed Report identified problems with the General Electric BWR-6 Mark III containment boiling water reactor, specifically: (1) Technology to fix problems would not be available; (2) the design is unusually subject to earthquake hazards; (3) plant workers might be unusually subject to radiation exposures; (4) safety systems contained in the design had not been subjected to adequate testing; and (5) inadequate or undetected metals could create defectively performing systems.

The operating license for Unit 1 of the Perry facility was issued on November 13, 1986 to the Cleveland Electric Illuminating Company, et al. On June 30, 1987, the NRC notified Petitioners that this matter would be considered pursuant to 10 CFR 2.206.

The Director has determined that the Petitioners' request should be denied for the reasons set forth in the "Director's Decision Pursuant to 10 CFR 2.206" (DD-87-10, which is available for inspection and copying in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20555 and at the local Public Document Room for the Perry Nuclear Power Plant at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

A copy of the Decision will be filed with the Secretary for Commission review in accordance with 10 CFR 2.206(c). As provided in 10 CFR 2.206(c), the Decision will become the final action of the Commission twenty-five (25) days after issuance unless the Commission on its own motion institutes review of the Decision within that time.

Dated at Bethesda, Maryland, this 7th day of October 1987.

For The Nuclear Regulatory Commission,  
Thomas E. Murley,  
*Director, Office of Nuclear Reactor  
Regulation.*

[FR Doc. 87-23637 Filed 10-9-87; 8:45 am]

BILLING CODE 7590-01-M

#### **PANAMA CANAL COMMISSION**

##### **Privacy Act of 1974; Systems of Records**

**AGENCY:** Panama Canal Commission.

**ACTION:** Adoption of systems of records.

**SUMMARY:** In accordance with 5 U.S.C. 552a, the Panama Canal Commission published in the *Federal Register* (52 FR 28498, July 30, 1987) nine Privacy Act Systems of Records. The systems described are PCC/AE-1, Executive



Personnel Financial Disclosure Reports; PCC/AMTE-2, Equity Adjustment; PCC/FMAC-10, Estate Files; PCC/FMAP-2, Payroll Deduction System for Court Ordered Wage Garnishments; PCC/FMCL-1, Travel and Transportation Claims; PCC/GCCL-1, Marine Accident/Miscellaneous General Claims; PCC/MRNP-1, Pilot Training Program; PCC/PRAA-1, Adverse Actions Files; and PCC/PRCL-1, Injury Claims.

**EFFECTIVE DATE:** October 13, 1987.

**FOR FURTHER INFORMATION CONTACT:** Mr. Thomas C. Duty, Agency Records Officer, Chief, Administrative Services Division, Panama Canal Commission, APO Miami 34011-5000.

**SUPPLEMENTARY INFORMATION:** On July 30, 1987, the Panama Canal Commission published a notice concerning the nine Systems of Records maintained by the Panama Canal Commission. The public was provided with a comment period of 30 days which ended on August 31, 1987. No comments were received in connection with the interim rule during this period; therefore, the notice is now adopted without change and is incorporated into the Panama Canal Commission Privacy Act Systems of Records.

Dated: September 9, 1987.

Frank R. Turman,

Acting Agency Records Officer.

[FR Doc. 87-23530 Filed 10-9-87; 8:45 am]

BILLING CODE 3640-04-M

## POSTAL SERVICE

### Implementation of Temporary Changes in the Domestic Mail Classification Schedule Provision Regarding Merchandise Return Service

**AGENCY:** Postal Service.

**ACTION:** Notice of implementation of a temporary change in the Domestic Mail Classification Schedule provision regarding merchandise return service.

**SUMMARY:** This gives notice that effective 12:01 a.m. on October 25, 1987, the Postal Service will implement a change in the Domestic Mail Classification Schedule allowing registered mail service and merchandise return service to be used in conjunction with each other, and allowing special handling and merchandise return service to be used in conjunction with each other.

**EFFECTIVE DATE:** October 25, 1987.

**FOR FURTHER INFORMATION CONTACT:** Lynn M. Martin, (202) 268-5176.

**SUPPLEMENTARY INFORMATION:** On May 7, 1987, the United States Postal Service filed with the Postal Rate Commission a Request for a Recommended Decision on amending sections 14.060, 18.060, and 20.040 of the Domestic Mail Classification Schedule. The Postal Service proposed to allow registered mail service and merchandise return service to be used in conjunction with each other, and to allow special handling and merchandise return service to be used in conjunction with each other. As amended, the sections would read as follows:

#### Classification Schedule SS-14

##### Registered Mail

14.060 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a. Collect on delivery	SS-6
b. Restricted delivery	SS-15
c. Return receipt	SS-16
d. Special delivery	SS-17
e. Merchandise return (shippers only)	SS-20

#### Classification Schedule SS-18

##### Special Handling

18.060 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of the applicable fees:

	Classification schedule
a. C.O.D. mail	SS-6
b. Insured mail	SS-9
c. Parcel airlift	SS-13
e. Merchandise return (shippers only)	SS-20

#### Classification Schedule SS-20

##### Merchandise Return

20.040 The following services may be obtained in conjunction with mail sent under this classification schedule upon payment of applicable fees:

	Classification schedule
a. Certificate of mailing	SS-4
b. Insured mail	SS-9
c. Registered mail	SS-14
d. Special handling	SS-19

Notice of the Postal Service's request was published in the Federal Register by the Rate Commission on May 15, 1987 (52 FR 18498).

Under the Postal Reorganization Act, if the Postal Rate Commission has not transmitted its recommended decision to the Governors of the Postal Service within 90 days of the submission to it of the Postal Service's request for a recommended decision on a proposed change in the mail classification schedule, the Postal Service may place the proposed change into effect on a temporary basis. 39 U.S.C. 3641(e). More than ninety days have elapsed since the Postal Service filed its request for a recommended decision on the proposed changes in services and the Rate Commission has not transmitted its recommended decision to the Governors. By Resolution No. 87-8 the Board of Governors on October 6, 1987, voted to implement the proposed changes on a temporary basis and set October 25, 1987, as the date on which the temporary changes will become effective. Accordingly, the proposed changes in the classification schedule described above shall take effect on a temporary basis at 12:01 a.m. on October 25, 1987.

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 87-23589 Filed 10-9-87; 8:45 am]

BILLING CODE 7710-12-M

## PRESIDENT'S COMMISSION ON PRIVATIZATION

### Hearings

**SUMMARY:** Pursuant to section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the President's Commission on Privatization will be held.

**DATE AND TIME:** October 21, 1987, from 9:00 to 5:00 p.m.

**ADDRESS:** Room 138 of the Dirksen Senate Office Building, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Wiley Horsley, Commission Staff Manager, temporarily at the Department of the Interior, 18th and C Streets, NW., Washington, DC 20240, 202/343-3347.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to hold hearings on housing related



privatization issues. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including committee members). Places will be allocated on a first come, first served basis.

**James C. Miller, III,**  
Director, Office of Management and Budget.  
[FR Doc. 87-23729 Filed 10-8-87; 3:18 pm]  
BILLING CODE 3110-01-M

## SMALL BUSINESS ADMINISTRATION

[License No. 09/09-5375]

### Issuance of a Small Business Investment Company License; Bentley Capital

On June 17, 1987, a notice was published in the *Federal Register* (Vol. 52, No. 116, Page 23130) stating that an application has been filed by Bentley Capital, San Francisco, California, with the Small Business Administration (SBA) pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1987)) for a license as a small business investment company.

Interested parties were given until close of business July 18, 1987, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09-5375 on August 27, 1987, to Bentley Capital to operate as a small business investment company.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

**Robert G. Lineberry,**  
Deputy Associate Administrator for Investment.

Dated: October 2, 1987.  
[FR Doc. 87-23532 Filed 10-9-87; 8:45 am]  
BILLING CODE 8025-01-M

[Application No. 01/01-0344]

### Application for License To Operate as Small Business Investment Company; First New England Capital Limited Partnership

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to the Regulations governing small business investment companies (13 CFR 107.102 (1987)) by First New England Capital Limited Partnership (the Applicant), 255 Main Street, Hartford,

Connecticut 06103, for a license to operate as a small business investment company (SBIC) under the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et. seq.*).

The proposed officers, directors and shareholders of the Applicant are as follows:

Name	Title or relationship	Percent of ownership
FINEC Corp., 255 Main Street, Hartford, CT 06106.	General Manager and General Partner.	10
Richard C. Klaffky, 105 Knob Hill Rd., Glastonbury, CT 06033.	Limited Partner, President, 10% Stockholder of FINEC Corp.	
George J. Ritter, 248 Whitney Avenue, Hartford, CT 06105.	Chairman of Board of FINEC Corp.	
Paul F. Romanelli, 265 Natchung Drive, Glastonbury, CT 06033.	Treasurer, Director, and 10% Stockholder in FINEC Corp.	
Richard Suisman, 148 Kenyon, Hartford, CT 06105.	Director and 10% Stockholder in FINEC Corp.	
John H. Filer, 627 Fern Street, West Hartford, CT 06107.	Chairman of Advisory Board, 10% Stockholder in FINEC Corp.	

The Applicant, a Connecticut limited partnership, will conduct its operations in the States of Connecticut, Massachusetts, and Rhode Island. The Applicant intends to begin operations with \$5,000,000 in partnership private capital. The amount of partnership private capital depends on the success of a private offering of limiting partnership units. Also, additional shares in the corporate general partner will be offered through a private offering.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act of 1958, as amended, and the SBA Rules and Regulations.

Notice is further given that any person may, not later than 30 days from the date of publication of this Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of the notice will be published in a newspaper of general circulation in the Hartford, Connecticut area.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

**Robert G. Lineberry,**  
Deputy Associate Administrator for Investment.

Dated: October 2, 1987.  
[FR Doc. 87-23669 Filed 10-9-87; 8:45am]  
BILLING CODE 8025-01-M

## DEPARTMENT OF STATE

[Public Notice 1032]

### Immigrant Visa Files; Records Disposal Procedures

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Systematic disposal of files relating to registrations of aliens who fail to apply for immigrant visas.

**SUMMARY:** The Department proposes, pursuant to the authority in section 203(e) of the Immigration and Nationality Act, to instruct consular officers at immigrant visa issuing posts to begin to dispose of immigrant visa files in accordance with records disposal procedures, which have been inactive for at least three years from the date on which the priority date has been reached. This notice proposes a change in the procedures established to administer the provisions of section 203(e). The proposal would affect immigrant visa applicants who have not reaffirmed their continuing intent to emigrate.

**DATE:** Comments must be received on or before November 13, 1987.

**ADDRESS:** Comments may be addressed to Stephen K. Fischel, Chief, Legislative and Regulations Division, Visa Office, Department of State, Washington, DC 20520.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen K. Fischel, Chief, Legislative and Regulations Division, Visa Office, Department of State, Washington, DC 20520, Telephone (202) 663-1204.

**SUPPLEMENTARY INFORMATION:** The Department has become aware of a growing number of inactive immigrant visa cases which are being stored at posts abroad. In an effort to cope with the large volume of files currently both occupying valuable file space and overloading computer systems, the Department proposes to change its procedures for processing certain immigrant visa applications. Consequently, the Department proposes to authorize all immigrant visa issuing posts to begin a screening process which



eventually will result in the revocation of petitions of inactive cases as defined herein.

The Department has reviewed the procedures originally established pursuant to the provisions of section 203(e) of the Immigration and Nationality Act, as amended by Pub. L. 94-571, and has determined that such procedures should be modified to allow for the gradual purging of the voluminous number of pending immigrant visa files which have been inactive for years.

Under current procedures, revocation of an inactive petition cannot occur until two years after Packet 4 (Appointment Letter for Immigrants) has been transmitted to the applicant.

The only criterion for transmitting Packet 4 to the applicant under current procedures is the receipt of notification from the alien that all documents have been assembled in accordance with Packet 3 instructions. These procedures, however, give no time limitation after receipt of the Packet 3 letter in which an intending immigrant must collect the required documentation and notify the consular post. A new criterion is being proposed which would trigger transmission of the Packet 4 letter.

Under this criterion the letter scheduling the visa interview would be mailed in all "inactive" cases, that is, cases in which the applicant's priority date is current and in which Packet 3 letters have been sent to the applicant and no response has been received for the three years following the Packet 3 mailing date. The mailing of Packet 4 invokes the provisions of section 203(e) which are explained in the background section of this preamble.

A conservative estimate indicates that there are approximately 600,000 inactive immigrant visa cases worldwide which must be stored at a substantial cost to the United States Government. The Department believes that some of the applicants may have adjusted status in the United States and that others have simply abandoned their intention to immigrate to the United States.

The proposed procedure would be implemented in all cases which come before immigrant visa issuing posts. These posts will be directed to begin mailing the Packet 4 appointment letters to those applicants who do not respond to the Packet 3 letter within three years from its mailing date. At posts which have a substantial number of "inactive cases", the procedure would be implemented gradually on a continuous basis to avoid the taxing of available resources. Those posts would be directed to limit the number of "inactive

cases" to be processed at one time to be no more than five percent of the total inactive cases or the average number of immigrant visa applicants normally scheduled for an interview in the normal month, whichever is smaller. This gradual processing approach will allow for the orderly implementation of the procedures.

#### Background

Section 203(e) of the Immigration and Nationality Act provides in part: " \* \* \* The Secretary of State shall terminate the registration of any such alien who fails to apply for an immigrant visa within one year following notification to him of the availability of such visa, but the Secretary shall reinstate the registration of any such alien who establishes within two years following the notification of the availability of such visa that failure to apply was due to circumstances beyond his control. Upon such termination the approval of any petition approved pursuant to section 204(b) shall be automatically revoked."

Under current procedures, a "Packet 3" letter is sent to all immigrant visa applicants when their turn for processing has been reached instructing them to notify the post when all documents have been collected and the applicant is ready for the scheduling of an immigrant visa interview. The Packet 3 letter, as all other correspondence, is sent to the beneficiary's address of record, as the beneficiary had been informed of his responsibility of keeping the consular office informed of the alien's current address.

Further processing (Packet 4 letter) can take place only after receipt of the applicant's reply to Packet 3 informing the post that all documents have been assembled. Upon receipt of such notification and completion of necessary administrative processing, the case is reported to the Department as one for which an immigrant visa number can be allocated, if available. When the alien's priority date actually comes within the visa issuance cut-off date (immediately in some cases; after a further waiting period in others), the visa number is allocated and the post notifies the alien of the availability of a visa by scheduling the formal appointment. If within one year from the date of the scheduled interview a response has not been received from the applicant, a second letter is mailed advising the applicant that since no response was received to the Packet 4 letter the visa petition and accompanying documents have been terminated. This second letter also advises the applicant that the application for registration could be

reinstated and the petition revalidated if the applicant is able to establish within one year from the date of the second letter that failure to pursue the application was due to circumstances beyond the applicant's control. At the end of the two year period a third and final letter informs the applicant that the processing of the immigrant visa application has been terminated and that all documentation submitted has been destroyed in accordance with standard records disposal procedures and that the petition has been returned to the originating office of the Immigration and Naturalization Service.

Date: September 29, 1987.

Joan M. Clark,

Assistant Secretary for Consular Affairs.

[FR Doc. 87-23586 Filed 10-9-87; 8:45 am]

BILLING CODE 4710-06-M

#### [Public Notice CM-8/1127]

#### Advisory Committee on Oceans and International Environmental and Scientific Affairs; Partially Closed Meeting

Department of State officials responsible for international health policy regarding AIDS will be present at 2:00 p.m. Tuesday, October 27 in Room 1107 of the Department of State at 2201 C Street NW., Washington, DC, to discuss key issues and problems in that field and seek comments and advice. This session, which is being convened by the Department's Advisory Committee on Oceans and International Environmental and Scientific Affairs, will be open to the public and will last until 4:00 p.m. Members of the general public will be admitted to the session to the limits of seating capacity and will be given the opportunity to participate in discussions according to the instructions of the Chairperson. In that regard, entrance to the Department of State building is controlled, and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the Office of Science and Technology Support by contacting William Moody or Douglas Dearborn, telephone (202) 647-4069. All attendees must use the C Street entrance to the building.

Officers of the Bureau of Oceans and International Environmental and Scientific Affairs, along with the Department of State's Advisory Committee on Oceans and International Environmental and Scientific Affairs, will meet at 8:30 a.m. on Wednesday, October 28, in a session which will not



be open to the public. This session will include discussion of classified material under 5 U.S.C. 552b (c) (1) and U.S.C. 552b (c) (9) (B). The disclosure of classified material and revelation of considerations which go into policy development could adversely affect the ability of the United States to achieve its foreign policy objectives. The purposes of these discussions will be to elicit views and discuss issues relating to international health policy regarding AIDS. This portion of the meeting will include classified briefings and discussion of classified documents pursuant to Executive Order 12356.

Requests for further information on this meeting should be directed to Thomas Wajda or William Moody of the Office of Science and Technology Support of the Department of State's Bureau of Oceans and International Environmental and Scientific Affairs. They may be reached by telephone on (202) 647-4069.

John D. Negroponte,

*Chairman, Advisory Committee on Oceans and International Environmental and Scientific Affairs.*

October 1, 1987.

[FR Doc. 87-23585 Filed 10-9-87; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1126]

**Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR); Meeting**

The Department of State announces that Study Group 4 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will meet on November 4, 1987 in the 8th Floor Conference Room, Communications Satellite Corporation, 950 L'Enfant Plaza, SW., Washington, DC. The meeting will begin at 9:30 a.m.

Study Group 4 deals with matters relating to systems of radiocommunications for the fixed service using satellites. The purpose of the meeting will be to continue the plan of work for the Study Group during the 1986-1990 period.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available. Requests for further information should be directed to Mr. Richard E. Shrum, State Department.

Washington, DC 20520; telephone (202) 647-2592.

Richard E. Shrum,

*Chairman, U.S. CCIR National Committee.*

October 1, 1987.

[FR Doc. 87-23583 Filed 10-9-87; 8:45 am]

BILLING CODE 4710-07-M

[Public Notice CM-8/1125]

**National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting**

The Department of State announces that the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will meet on November 6, 1987 in Room 1912, Department of State, 2201 C Street NW., Washington, DC. The meeting will begin at 9:30 a.m.

The National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCITT activities; provides advice on matters of policy and positions in the preparation for CCITT Plenary Assemblies and meetings of the International Study Groups; provides advice and recommendations in regard to the work of the U.S. CCITT Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCITT which are submitted to the Committee for consideration.

The purpose of the meeting is to:

1. Decide certain administrative changes proposed at the September 9 meeting.
2. Establish Ad Hoc groups for particular purposes in preparation for the IX Plenary Assembly of the CCITT, and the Plenipotentiary Conference of the ITU.
3. Determine the program of work and participants of the above mentioned Ad Hoc groups.
4. Establish an Ad Hoc group for strategic planning relating more generally to WATTC and Plenipotentiary Conference issues.
5. Other business.

Members of the general public may attend the meeting and join in the discussion, subject to the instructions of the Chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. Prior to the meeting, persons who plan to attend should so advise the office of Mr. Earl Barbely, State Department, Washington, DC;

telephone (202) 653-6102. All attendees must use the C Street entrance to the building.

Dated: September 28, 1987.

Earl S. Barbely,

*Director, Office of Technical Standards and Development; Chairman, U.S. CCITT National Committee.*

[FR Doc. 87-23584 Filed 10-9-87; 8:45 am]

BILLING CODE 4710-07-M

**DEPARTMENT OF TRANSPORTATION**

**Aviation Proceedings; Agreements Filed During the Week Ending October 2, 1987**

The following agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 408, 409, 412, and 414. Answers may be filed within 21 days of date of filing.

**Docket No. 45167**

*Parties:* Members of International Air Transport Association

*Date Filed:* October 1, 1987

*Subject:* Cancel Specific Co-Rates BUE-US

*Proposed Effective Date:* October 15, 1987

**Docket No. 45168 R-1-R-3**

*Parties:* Members of International Air Transport Association

*Date Filed:* October 1, 1987

*Subject:* Within So.-East Asia Fares

*Proposed Effective Date:* November 1, 1987

**Docket No. 45166**

*Parties:* Pan American World Airways, Inc. and Aeroflot Soviet Airlines

*Date Filed:* October 1, 1987

*Subject:* Application of Pan American World Airways, Inc. pursuant to sections 412 and 414 of the Act, requests (1) approval of an agreement between itself and the General Department of International Air Services (Aeroflot Soviet Airlines), entitled Agreement Between Pan Am and Aeroflot Concerning the Joint Commercial Use of a Pan Am 747 Aircraft Between the USSR and USA, dated September 25, 1987, and (2) the concomitant conferral of antitrust immunity.

Phyllis T. Kaylor,

*Chief, Documentary Services Division.*

[FR Doc. 87-23648 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-62-M



# Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed During the Week Ending

October 2, 1987.

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under Subpart O of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for answers, conforming applications, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases in a final order without further proceedings.

## Docket No. 45170

Date Filed: October 1, 1987

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: October 29, 1987

Description: Application of Continental Airlines, Inc. and Air Micronesia, Inc. pursuant to section 401 of the Act and Subpart Q of the Regulations, requests an amendment of their certificates of public convenience and necessity for Route 171 and Route 170 respectively in order to authorize Continental/Air Micronesia to provide foreign air transportation of persons, property and mail between the United States coterminals Guam and Saipan, on the one hand, and Naha, Japan (formerly Okinawa), on the other hand.

## Docket No. 45173

Date Filed: October 2, 1987

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: October 30, 1987

Description: Application of Executive Air Charter pursuant to section 401 of the Act and subpart Q of the Regulations requests that it be granted a certificate of public convenience and necessity for scheduled and charter interstate and overseas air transportation of persons, property and mail.

## Docket No. 45174

Date Filed: October 2, 1987

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: October 30, 1987

Description: Application of Executive Air Charter pursuant to section 401 of the Act and Subpart Q of the Regulations requests that it be granted a

certificate of public convenience and necessity for scheduled and charter foreign air transportation of persons, property and mail.

Phillis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 87-23649 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-62-M

## [Docket 45165]

### Seattle/Portland-Japan Service Proceeding; Prehearing Conference

The prehearing conference in this proceeding will be held on Wednesday, November 4, 1987 at 10:00 a.m. (local time) in Room 5332, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC.

On or before October 28, 1987, the parties shall submit one copy to each other and four copies to the Judge of (1) any proposals for changes in the evidence request contained in the Appendix to Order 87-9-66; (2) proposed procedural dates; (3) proposed stipulations; and (4) a statement of position. The latter two matters also bear on the Department's stated anticipation "that most of the record created in Docket 44380 would be incorporated into the new docket \* \* \*." Order 87-9-66 at p. 2. Therefore, the submissions shall comment on how much of the prior record and by what method (notice, stipulation, etc.) the previous evidence can be incorporated into this record. Be specific in outlining exhibits and testimony that can be incorporated.

Dated at Washington, DC, October 5, 1987.

Burton S. Kolko,

Administrative Law Judge.

[FR Doc. 87-23650 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-62-M

## [Docket 45163]

### Spokane-Vancouver Service Case; Prehearing Conference

Notice is given that a prehearing conference in this proceeding will be held at 10 a.m. (local time) on November 5, 1987 in Room 5332 at the U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC.

The parties are directed to submit one copy to each party and four copies to the Presiding Judge of (1) any proposals for changes in the evidence request contained in the Appendix to Order 87-9-62; (2) proposed procedural dates; (3) proposed stipulations; and (4) a statement of position. This material

shall be submitted on or before October 30, 1987.

Dated at Washington, DC, on October 6, 1987.

Daniel M. Head,

Administrative Law Judge.

[FR Doc. 87-23651 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-62-M

## Federal Aviation Administration

### Advisory Circular 25.1357-1; Circuit Protective Device Accessibility; Correction

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of correction of phone number.

SUMMARY: This notice corrects a phone number previously published in the Federal Register dated September 18, 1987 (52 FR 35343). This phone number is under the heading "FOR FURTHER INFORMATION CONTACT" and indicates the place to call to obtain copies of proposed Advisory Circular 25.1357-1 for public comment. The phone number is: 431-2127.

Issued in Seattle, Washington October 2, 1987.

Darrell M. Pederson,

Acting Manager, Aircraft Certification Division, ANM-100.

[FR Doc. 87-23518 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-13-M

### Advisory Circular 20-127, Use of Society of Automotive Engineers (SAE) Class H11 Bolts

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 20-127, Use of Society of Automotive Engineers (SAE) Class H11 Bolts. The AC provides guidance on the use of SAE Class H11 bolts in primary structure on all aircraft, including gliders and manned free balloons, and on aircraft engines and propellers.

DATE: Advisory Circular 20-127 was issued by the FAA, Office of Airworthiness in Washington DC, on July 8, 1987.

How To Obtain Copies: A copy of AC 20-127 may be obtained by writing to the U.S. Department of Transportation, M-443.2, Subsequent Distribution Unit, Washington, DC 20590.



Issued in Seattle, Washington, on September 22, 1987.

Darrell M. Pederson,

Acting Manager, Aircraft Certification Division, Northwest Mountain Region.

[FR Doc. 87-23517 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-13-M

**Radio Technical Commission for Aeronautics (RTCA); Special Committee 147; Traffic Alert and Collision Avoidance System; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 147 on Traffic Alert and Collision Avoidance System to be held on October 27-29, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of Minutes of the Twenty-Second Meeting held on May 19-21, 1987; (3) Briefing on recent near mid-air incident reports; (4) Status Reports on Phase II of Piedmont flight evaluations; (5) Status report on FAA Technical Center TCAS activities; (6) Working Group Reports; (7) Status reports on joint separation assurance task force activities; (8) Briefing on items submitted for change 5 to RTCA/DO-185; (9) Briefing on FAA TCAS program; (10) Discussion on future plan and work programs; (11) Other business; and (12) Date and place of next meeting; (13) Working group separate sessions; (14) Summary of working group deliberations; (15) Closing discussion.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on October 1, 1987.

Herbert P. Goldstein,  
Designated Officer.

[FR Doc. 87-23515 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-13-M

**Radio Technical Commission for Aeronautics (RTCA); Special Committee 151; Minimum Operational Performance Standards for Airborne MLS Area Navigational Equipment; Meeting**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 151 on Minimum Operational Performance Standards for Airborne MLS Area Navigational Equipment to be held on October 20-23, 1987, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC, commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Remarks; (2) Approval of the Minutes of the Sixteenth Meeting; (3) Review and Discuss EUROCAE Working Group 27 Activities; (4) Review of the Eleventh Draft MOPS (5) Working Group Sessions; (6) Plenary to Review Working Group Progress and Task Assignments; (7) Other Business; and (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., Suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on September 22, 1987.

Herbert P. Goldstein,  
Designated Officer.

[FR Doc. 87-23516 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-13-M

**Federal Highway Administration**

**Environmental Impact Statement; St. Joseph County; City of Mishawaka; IN**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project located in the City of Mishawaka, St. Joseph County, Indiana.

**FOR FURTHER INFORMATION CONTACT:** Mr. James E. Threlkeld, District Engineer, Federal Highway Administration, Federal Office Building,

575 North Pennsylvania Street, Room 254, Indianapolis, Indiana. Telephone: (317) 269-7481.

**SUPPLEMENTARY INFORMATION:** The FHWA in cooperation with the Indiana Department of Highways (IDOH) will prepare an environmental impact statement (EIS) on a proposal to construct a new 4-lane controlled access roadway on the east side of the City of Mishawaka and to the northeast and southeast of the City in the unincorporated area of St. Joseph County. The proposed roadway will generally follow along and/or adjacent to existing sections of Capital Avenue (Elm Road). The south terminus will be at the interchange of Elm Road and the new route for US 20 which is presently under design. The north terminus will be at State Road 23 with connection to the Milepost 83 interchange on the Indiana East-West Toll Road (180/90). The total corridor length is approximately 7.8 miles.

Completion of this proposed action will provide for interconnection between U.S. 20 and the Indiana Toll Road on the east side of the South Bend/Mishawaka urbanized area and will improve local north-south travel on the east side of the City of Mishawaka and St. Joseph County. The proposed action is a priority recommendation of the 2005 Transportation Plan for the South Bend/Elkhart urbanized area.

Two (2) primary alternative alignments with various crossover connections will be developed and evaluated in the EIS. The alternative alignments will include an alignment which follows adjacent to existing sections of Capital Avenue (and north-south extensions thereof) and parallel alignment to the east or west. The recently completed 4-lane bridge on Capital Avenue over the St. Joseph River, located near the midpoint of the corridor, should not require modifications or replacement. Grade separations of Conrail, Grand Trunk Western Railroad and the Indiana Toll Road are anticipated. The evaluation of alternatives in the EIS will include a do nothing action.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, those agencies, groups or individuals affected by or interested in the proposed action are invited to participate by sending their written comments to the FHWA. No formal Scoping Meeting will be held for this proposed action. Public information meetings will be held during the early development phase of the proposed action. Dates and locations of such



meetings will be advertised in newspapers having local distribution within the project area.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued On: October 2, 1987.

James E. Threlkeld,  
District Engineer.

[FR Doc. 87-23587 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-22-M

## Federal Railroad Administration

[FRA General Docket No. H-87-2]

### Petition for Exemption or Waiver for Test Program; National Railroad Passenger Corporation

Notice is hereby given that the National Railroad Passenger Corporation (Amtrak), has submitted a petition for a temporary waiver of 49 CFR 213.57(b), that section of the Federal Track Safety Standards that prescribes the maximum allowable operating speeds for trains on curves as a function of actual superelevation and curvature. Amtrak requests this waiver for the test operation of an RTG II Turbine train on its Northeast Corridor line between New York and Boston. The purpose of the petition is to obtain the approval of the Federal Railroad Administration (FRA) to operate an RTG trainset, under test conditions, at speeds which produce up to six inches of lateral unbalance.

In response to Amtrak's request and for the reasons stated in this notice, FRA has granted a temporary, conditional waiver, pending receipt and evaluation of public comments. The waiver permits the conduct of the RTG II Turbine Train test between New Haven, Connecticut, and Boston, Massachusetts, during the period October 5 to October 31, 1987, at curving speeds that will produce up to six inches of unbalance and is conditioned on Amtrak's adherence to the parameters of the test program set forth in this notice.

In the ideal case, trained vehicles would negotiate all curves at what is called equilibrium speed. That is the speed at which several favorable things happen: Centrifugal force is exactly counterbalanced by the actual superelevation (tilt/cant) of the track, passengers do not sense curve presence and wheel-rail wear is minimized. As a practical matter, the ideal cannot be achieved: operating conditions demand

different train speeds, from time to time, over the same location. So, what evolved many years ago was a compromise approach to equilibrium or balanced curve negotiation in which the tracks; superelevation on curves was established at some value less than that which would provide a balanced ride for the fastest type of service. Thus, the concept of unbalance was introduced and there can indeed be both underbalance situations where moving vehicles lean to the outside of curves and overbalance conditions where slowly moving vehicles lean to the inside. The petition is concerned exclusively with underbalance, also called superelevation/cant deficiency or just unbalance.

Section 213.57(b) of the Track Safety Standards specifies a maximum allowable unbalance or cant deficiency of three inches. This means that track maintenance personnel can install superelevation on a curve that is up to three inches less than that which would provide "balanced" curve negotiation. This value of three inches was borrowed from industry application over many years for direct inclusion in the Track Safety Standards at the time that they were being formulated. The origin in the railroad industry of the number was entirely based on passenger comfort, not train safety. There have been a number of tests, over the years and worldwide, in which it was demonstrated that unbalanced curve negotiation could be as high as 11 inches before vehicle safety became an issue. Indeed, the RTG II Turbine trainsets are operated on a daily basis in France in revenue service at up to 6.3 (160 mm) inches of unbalance. However, unbalance is a variable quantity, and the level of cant deficiency tolerated by specific railroad car type needs to be determined through analysis and test.

In order to improve trip times between New York and Boston, the petitioner is contemplating train operation over various curves at up to six inches of unbalanced elevation using trainsets designed to operate safely and comfortably at this cant deficiency. In reality, this can only be achieved in the region New Haven to Boston, because the petitioner does not control the track, New Rochelle to New Haven, and the segment, New York to New Rochelle, is unsuitable for higher speeds. These restrictions are acknowledged by the petitioner; therefore, the test zone will be New Haven to Boston. To investigate the implication of this operating concept, the petitioner proposes to test the response of a trainset representing the type likely to provide this service at candidate speeds developing six inches

of unbalanced elevation. It is the responsibility of the FRA to assure that this test event can be carried out safely. While the RTG trainsets have an extensive record in the U.S. of safe operation at speeds conforming to the requirements of § 213.57(b), there are no data reflecting domestic operation at speeds beyond those associated with three-inch unbalanced operation. Before approving the petition, an analysis of the risk of test vehicle derailment must be performed. There are three causes of vehicle derailments on curves that are of concern here: Rail rollover, lateral track shift and vehicle overturning. Each of these derailment modes will be considered in turn.

Rail rollover: This mode of derailment is largely a function of the integrity of the fastening system used to attach the rails to the ties and the magnitude of lateral wheel loads. In cases where the rail-tie fasteners are totally secure and large lateral wheel loads are applied to the elevated rail in curves, the hazard then is a shift of the rail-tie structure in the ballast and consequent destabilization of the trainset. Since both of these derailment modes are closely related, it is convenient to consider them together.

There is broad test experience in France with exactly the same kind of equipment proposed for test by the petitioner. This can be summarized as follows based on four typical investigations:

Speed	Unbalance	Lateral wheel force (lb)
107 mph.....	10"	14,112
83 mph.....	11"	12,992
78 mph.....	10"	14,560
150 mph.....	7"	9,856

What these numbers are saying is that when the French technicians operated an RTG trainset at significantly higher unbalanced speeds than are contemplated in the petition, the design factors of the equipment combined to produce not more than 15,000 lbs of lateral wheel-rail load at any one point in the test zones.

This is to be compared with the wheel-rail loads generated by a conventional American diesel locomotive (SDP-40) operated in 1978 over deliberately misaligned track at the Transportation Test Center. At that time, while running on the misaligned curve at a speed of 75 mph, a total truck force (evenly distributed over the three high rail wheels) of 105,000 lbs caused the track to shift laterally four inches. The rail-tie fasteners at this instrumented location were in excellent



condition and there was no indication of rail tipping (roll). Since the track remained stable during the preceding 70 mph test run, this result provides a quantified bound describing the upper limits of good quality track such as is evident in the highly upgraded corridor, New York to Boston. Note that the loads developed were higher by more than a factor of two than the greatest loads measured in the French RTG tests. Recall, too, that the trainset speeds developed in these French tests resulted in 10-inch to 11-inch unbalanced curve negotiation.

The conclusion to be drawn from this comparison of test experience is that for the two vehicle derailment modes of interest, rail rollover and track shift, the lateral wheel forces developed by an RTG trainset running through curves at six-inch unbalanced speeds in no way approaches an unsafe condition. To assure the validity of this conclusion under actual test conditions, a table was prepared that lists maximum predicted RTG carbody lateral acceleration values, curve by curve, both tracks, in the test zone, New Haven to Boston. It is known from past investigations in this same area what the lateral wheel load/vehicle acceleration output was for other passenger equipment types having higher centers of gravity and stiffer suspensions than RTG vehicles, yet operating safely at more than six inches of unbalance. Instrumentation aboard the test RTG trainset will produce data that will be compared with the tabular values, the point being that the design characteristics of the RTG vehicles are expected to consistently lead to the imposition of lower track loads, carbody accelerations being equivalent. If RTG carbody accelerations approach the levels attained by this previous test equipment known to be capable of safe operation at well over six inches of unbalance, further speed increases on the specific curve will be cut off by the on-board FRA test monitor.

Vehicle overturning: Reference is made, above, to the preparation of a table of RTG carbody lateral acceleration values. These data will accrue as part of the overall exercise intended to preserve the RTG test train set from overturning at the elevated test speeds. The following steps were pursued toward this end:

- The RTG train set was parked on two reversed curves, each having six inches of superelevation. The tilt of the carbody induced by the superelevation caused deflections in truck suspension springing, and these dimensional differences were recorded for consolidation with similar static state

data gathered from the RTG while stopped on level track.

- These and other specific RTG data are being entered into the vehicle curving model developed and verified during the referenced earlier passenger-locomotive test series.

- From the exercise of this model, the following steady state estimates of RTG vehicle dynamics were made, all being related to elevation unbalance:

- Carbody lateral acceleration;
- Shift in resultant force due to changes in centrifugal force as speed varies (a measure of outer-rail wheel loading as a vehicle tilts in curving);
- Truck lateral force;
- Vertical wheel force on each rail.

- These estimates were correlated with actual Amcoach and F-40 (locomotive) response data collected in test.

- From a review of this assembled data, the petitioner's test director and FRA's test monitor jointly selected a maximum acceptable value for lateral acceleration of the vehicle carbody in the RTG trainset. No train speeds will be permitted that will cause higher accelerations than this value as measured on board the train during each test run.

In summary, no vehicle accelerations or wheel-rail loads greater than what has already been demonstrated to be safe for rail passenger vehicles will be permitted to occur.

FRA has also prepared a technical justification for the assignment of limiting steady state and transient lateral acceleration values as recorded on board the test train. This justification is on file as part of the public docket.

FRA has reviewed this whole approach to assuring the safety of the RTG trainset during the test events and believes it to be sound. FRA has determined that granting the required temporary waiver would be consistent with railroad safety and in the public interest, provided that Amtrak adheres to the following conditions:

#### Test Program Guidelines

1. A run at timetable speed (3" unbalanced curve negotiation) shall be made over both tracks, New Haven to Boston and from the on-board lateral accelerometer data output an intermediate test zone will be selected by mutual agreement of the Amtrak Test Director and the FRA Test Monitor. This intermediate test zone will consist of one or more track segments, both main tracks, for which a review of the accelerometer data indicates higher levels of carbody accelerations than occurred elsewhere.

2. Round trips shall then be scheduled over the designated intermediate test area at train speeds producing 4, 5 and 6 inches of curve unbalance, successively. During and following each of these unbalanced speed runs, the strip chart output of the on-board instrumentation shall be observed and analyzed by Amtrak and FRA technical staff who will arrive at mutually acceptable interpretation of the values displayed in the data.

Test train speeds shall not be exceeded which produce greater than:

- A. Carbody steady state lateral accelerations of 0.20 g;
- b. Transient accelerations (related to track alignment and crosslevel variation) of 0.33 g.

These two values are individually and independently operative as limits; they are not to be combined.

3. At the conclusion of train runs over the intermediate area, round trips shall then be scheduled over the entire test zone, New Haven to Boston, at train speeds producing 4, 5 and 6 inches of curve unbalance, successively. During these trips, maximum train speeds shall not exceed the restrictions, if any, identified for specific curves during the previous test runs in the intermediate test area.

4. If a review of the data displayed by the on-board instrumentation indicates only small increases in carbody accelerations from one value of unbalanced speed to another, the FRA Test Monitor has the authority to suspend scheduled trips in the interest of efficient test operation.

5. The location of the on-board accelerometer will be at floor level in the trailing power car located as close as possible to the pivot point of the leading (passenger compartment) truck.

6. The test train shall not operate at speeds producing more than 3 inches of unbalanced elevation when other trains are passing on the adjacent main track.

7. In no event shall the test train operate at more than 110 mph.

8. Evidence of recent accelerometer calibration shall be available to the FRA Test Monitor prior to the start of test or, if not, calibration shall occur immediately following the test series, and the resulting documentation shall be provided to the FRA Test Monitor in copy form.

9. There shall be a capability for understandable voice communication between the Amtrak Test Director and the test train Engineer continuously operative during each test run.

It is the responsibility of the petitioner to have sufficient spare devices for this purpose on board to obviate



communication interruption because of equipment failure.

10. Copies of test train operating instructions not issued by a train dispatcher shall be available to the FRA Test Monitor before each test run except the first 3-inch unbalance round trip.

11. If the RTG is operated over the Dorchester Branch, timetable speeds shall not be exceeded.

12. During periods when wind gusts of 50 mph or greater are predicted, the test trainset shall not be operated at speeds developing more than 3 inches of unbalanced elevation.

13. The manual on Uniform Traffic Control Devices (for Streets and Highways), Revision No. 4 (page 8C-7) recommends a warning period of at least 20 seconds for actuated automatic highway grade crossing protection. If the operation of the test train produces a warning period of less than 20 seconds at any active highway grade crossing device, the petitioner shall present a plan to FRA, prior to any unbalanced speed testing, which describes compensating measures that will be taken to provide highway traffic with the recommended warning interval.

14. The FRA Test Monitor shall have the authority to withdraw, at anytime for cause, the waiver of (Amtrak) compliance with § 213.57(b) of the Federal Track Safety Standards.

15. The test RTG II Turbine train shall be equipped in the control compartment(s) with accurate, operating speed indicating device(s).

16. The waiver will automatically expire at 11:59 p.m., October 31, 1987.

FRA responded promptly to the Amtrak petition, granting a conditional waiver of compliance on a temporary basis. That temporary waiver was granted with the understanding that FRA's decision would be reviewed in the light of any public comments received in response to this public notice. The decision to grant a temporary waiver, pending receipt and consideration of public comment, was based on the determination that immediate action was required in the public interest.

FRA is not seeking information and comments of all interested parties on this waiver request. As noted, FRA intends to review its initial decision in light of these comments. In addition, FRA will take these comments into account in assessing any future Amtrak petitions for similar test programs involving the RTG II Turbine train. All interested parties are invited to participate in this proceeding through written submissions. FRA does not anticipate scheduling an opportunity for oral comment because the facts do not

appear to warrant it. An opportunity to present oral comments will be provided, however, if, by November 15, 1987, the party submits a written request for hearing that demonstrates that his or her position cannot be properly presented by written statements.

All written communications concerning this petition should reference "FRA General Docket No. H-87-2" and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, FRA, 400 7th Street, SW., Washington, DC 20590.

Comments received by November 15, 1987, will be considered in this proceeding and in evaluating any future proposals by Amtrak for similar test programs. All comments received will be available for examination by interested persons at any time during regular working hours (9 a.m.-5 p.m.) in Room 8201, Nassif Building, 400 7th Street, SW., Washington, DC 20590.

Issued in Washington, DC, on October 7, 1987.

J.W. Walsh,

*Associated Administrator for Safety.*

[FR Doc. 87-23745 Filed 10-9-87; 8:45 am]

BILLING CODE 4910-06-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Date: October 6, 1987.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Office listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

#### Financial Management Service

OMB Number: 1510-0013

Form Number: TPS 2208

Type of Review: Extension

Title: States Where Licensed for Surety

Description: Information is collected to report, in Treasury Circular 570, Surety Licenses of Treasury certified companies for the use by Federal bond approving officers.

Respondents: Businesses of other for-profit, Small businesses or organizations

Estimated Burden: 306 hours

Clearance Officer: Hector Leyva, (301) 436-5300, Financial Management Service, Room 100, 3700 East West Highway, Hyattsville, MD 20782  
OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

#### Alcohol Tobacco and Firearms

OMB Number: 1512-0092

Form Number: ATF F 5100.31 (1648/1649/1650)

Type of Review: Extension

Title: Application for Certification/Exemption of Label/Bottle Approval Under the Federal Alcohol Administration Act

Description: The Federal Administration Act regulates the labeling of alcoholic beverages and designates the Treasury Department to oversee compliance with regulations. This form is completed by the regulated industry and submitted to Treasury as an application to label their products. Treasury oversees label applications to prevent consumer deception and to deter falsification of unfair advertising practices on alcoholic beverages.

Respondents: Businesses or other for-profit, Small businesses or organizations

Estimated Burden: 27,300 hours

Clearance Officer: Robert Masarsky, (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue NW., Washington, DC 20226

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A. Morgan,

*Departmental Reports, Management Officer.*

[FR Doc. 87-23551 Filed 10-9-87; 8:45 am]

BILLING CODE 4810-25-M

## Customs Service

### Current IRS Interest Rate Used in Calculating Interest on Overdue Accounts and Refunds

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of calculation of interest.

SUMMARY: The Tax Reform Act of 1986 established a new method of determining the adjusted rate of interest on applicable overpayments or underpayments of Customs duties. The new method provides a two-tier system based on the short-term Federal rate and is adjusted quarterly. This notice



advices the public that the interest rates, as set by the Internal Revenue Service, will be 10 percent for underpayments and 9 percent for overpayments for the quarter beginning October 1, 1987. It is being published for the convenience of the importing public and Customs personnel.

**EFFECTIVE DATE:** October 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** Robert Hamilton, Revenue Branch, National Finance Center, U.S. Customs Service, 6026 Lakeside Boulevard, Indianapolis, IN 46278, (317) 298-1245.

**SUPPLEMENTARY INFORMATION:**

**Background**

By notice published in the *Federal Register* on January 5, 1987 (52 FR 255), Customs advised the public that the Tax Reform Act of 1986 (Pub. L. 99-514), amended 26 U.S.C. 6621 mandating a new method of determining the interest rate paid on applicable overpayments or underpayments of Customs duties. The new method provides a two-tier system based on the short-term Federal rate. As amended, 26 U.S.C. 6621 provides that the interest rate that Treasury pays on overpayments will be the short-term Federal rate plus 2 percentage points. The interest rate paid to the Treasury for underpayments will be the short-term Federal rate plus 3 percentage points. The rates will be rounded to the nearest full percentage.

The interest rates are determined by the Internal Revenue Service on behalf of the Secretary of the Treasury based on the average market yield on outstanding marketable obligations of the U.S. with remaining periods to maturity of 3 years or less and are to fluctuate quarterly. The rates are determined during the first month of a calendar quarter and become effective for the following quarter.

**Determination**

It has been determined that the rates of interest for the period of October 1, 1987-December 31, 1987 are 10 percent for underpayments and 9 percent for overpayments. These rates will remain in effect through December 31, 1987, and are subject to change on January 1, 1988. They will remain in effect until changed by another notice in the *Federal Register*.

Dated: October 6, 1987.

**William von Raab,**  
*Commissioner of Customs.*

[FR Doc. 87-23553 Filed 10-9-87; 8:45 am]

**BILLING CODE 4820-02-M**

**UNITED STATES INFORMATION AGENCY**

**Culturally Significant Objects Imported for Exhibition; Determination**

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985) I hereby determine that the objects to be included in the exhibit, "Crossroads of Continents: Cultures of Siberia and Alaska" (see list <sup>1</sup>) imported from abroad for the temporary exhibition without profit within the United States are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Museum of Natural History, Smithsonian Institution, Washington, DC, beginning on or about September 22, 1988, to on or about April 2, 1989; at the Seattle Center, Seattle, Washington, beginning on or about May 14, 1989, to on or about October 15, 1989; at the American Museum of Natural History, New York, N.Y., beginning on or about November 26, 1989, to on or about March 25, 1990; at the Indiana State Museum, Indianapolis, Ind., beginning on or about May 6, 1990, to on or about September 9, 1990; at the Los Angeles County Museum of Natural History, Los Angeles, California, beginning on or about October 21, 1990, to on or about February 24, 1991; at the Anchorage Museum of History and Art, Anchorage, Alaska, beginning on or about April 7, 1991, to on or about August 11, 1991; and for such period as may be needed for shipment out of the United States to the U.S.S.R., is in the national interest.

<sup>1</sup> A copy of this list may be obtained by contacting Mr. R. Wallace Stuart of the Office of the General Counsel of USIA. The telephone number is 202-485-7988, and the address is Room 700, U.S. Information Agency, 301 4th Street, SW., Washington, DC 20547.

Public notice of this determination is ordered to be published in the *Federal Register*.

**R. Wallace Stuart,**  
*Acting General Counsel.*

Date: October 6, 1987.

[FR Doc. 87-23672 Filed 10-9-87; 4:54am]

**BILLING CODE 8230-01**

**Meeting of Advisory Board for Radio Broadcasting to Cuba**

The Advisor Board for Radio Broadcasting to Cuba will conduct a meeting on October 15, 1987, in Room 3557, 400 Sixth Street SW., Washington, DC. Below is the intended agenda.

**Thursday, October 15, 1987**

*Part One—Closed to the Public*

- 10:00 a.m. 1. Report by the Director of Radio Marti
- 11:00 a.m. 2. Discussion of Radio Marti internal personnel rules and practices
- 11:45 a.m. 3. Tour of new studios (secured area)

*Part Two—Open to the Public*

- 2:00 p.m. 4. Discussion of impact of del Pino, Azpillaga interviews
- 2:30 p.m. 5. Budget status
- 3:00 p.m. 6. Marathon transmitter site upgrade status
- 3:30 p.m. 7. Audience research results
- 4:00 p.m. 8. Marti TV
- 4:30 p.m. 9. Public Testimony Period.

Items 1 through 3, which will be discussed from 10:00 a.m. to 12:00 noon, will be closed to the public. Item 1 involves discussion of classified information. Closing such deliberations to the public is justified under 5 U.S.C. 552b (c)(1). Item 2 relates solely to internal personnel rules and practices. Authority for deliberations is provided by U.S.C. 552b (c)(2). Item 3 relates to admittance to a secure area and therefore closed to the public.

Members of the public interested in attending the meeting should contact Peggy Chu (202) 485-7011 to make prior arrangements, as access to the building is controlled.

Dated: October 8, 1987.

**Charles Z. Wick,**  
*Director*

[FR Doc. 87-23776 Filed 10-9-87; 9:38 am]

**BILLING CODE 8230-01-M**



# Sunshine Act Meetings

Federal Register

Vol. 52, No. 197

Tuesday, October 13, 1987

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

## CONSUMER PRODUCT SAFETY COMMISSION

**TIME AND DATE:** Thursday, October 15, 1987.

**LOCATION:** Room 556, Westwood, Towers, 5401 Westbard Avenue, Bethesda, Md.

**STATUS:** Open to the Public.

### MATTERS TO BE CONSIDERED:

#### 1. 16 CFR 1015.12

The Commission will discuss the provisions of CPSC's Freedom of Information Act regulations concerning Congressional requests for Commission documents.

#### 2. ATV Voluntary Standards

The staff will brief the Commission on the status of the voluntary performance standard for all-terrain vehicles.

#### 3. LP Gas Automatic Control Values

The staff will brief the Commission on suggested changes to industry voluntary standards and codes relating to residential LP gas system and automatic gas control values.

**FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL:** 301-492-5709.

### CONTACT PERSON FOR ADDITIONAL

**INFORMATION:** Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 301-492-6800  
Sheldon D. Butts,  
Deputy Secretary.

October 7, 1987.

[FR Doc. 87-23710 Filed 10-8-87; 8:45 am]

BILLING CODE 6355-01-M

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

**DATE AND TIME:** 10:00 am (Eastern Time) Monday, October 19, 1987.

**PLACE:** Clarence M. Mitchell, Jr., Conference Room, No. 200-C on the Second Floor of the Columbia Plaza Building, 2401 E Street, NW., Washington, DC 20507.

**STATUS:** Part of the Meeting will be Open to the Public and Part will be Closed to the Public.

### MATTERS TO BE CONSIDERED:

Open Session

1. Announcement of Notation Vote(s)

2. A Report on Commission Operations [A Report from the Office of Review and Appeals]
3. Response to a Petition for Reconsideration and Repeal of the Final Rule on Unsupervised Waivers Under the Age Discrimination in Employment Act
4. Proposed section 630 of Volume II of EEOC's Compliance Manual, Unions

### Closed Session

1. Consideration of a Commissioner's Charge
2. Litigation Authorizations: General Counsel Recommendations

**Note.**—Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the *Federal Register*, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.

Please telephone (202) 634-6748 at all times for information on these meetings.)

### CONTACT PERSON FOR MORE

**INFORMATION:** Cynthia C. Matthews, Executive Officer (Acting) on (202) 634-6748.

Dated: October 7, 1987.

**Cynthia Clark Matthews,**  
Executive Officer (Acting), Executive  
Secretariat.

This Notice Issued October 7, 1987.

FR Doc. 87-23737 Filed 10-8-87; 3:43 pm]

BILLING CODE 6570-06-M

## FEDERAL ENERGY REGULATORY COMMISSION

October 7, 1987.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. 94-409), 5 U.S.C. 552B:

**DATE AND TIME:** October 14, 1987, 10:00 a.m.

**PLACE:** 825 North Capitol Street, NE., Room 9306, Washington, DC 20426.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** Agenda.

**Note.**—Items listed on the agenda may be deleted without further notice.

### CONTACT PERSON FOR MORE

**INFORMATION:** Kenneth F. Plumb, Secretary, Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Public Reference Room.

## Consent Power Agenda, 864th Meeting—October 14, 1987; Regular Meeting (10:00 a.m.)

### CAP-1.

Project No. 6524-006, Hy-Tech Company

### CAP-2.

Project Nos. 10182-001, 10183-002 and 10143-001, Skykomish River Hydro  
Project Nos. 10356-001, 10359-001, 10360-001 and 10361-001, Snoqualmie River Hydro

### CAP-3.

Project No. 8160-001, Dale L.R. Lucas

### CAP-4.

Project No. 6456-007, Village of Green Island, New York

### CAP-5.

Project No. 9930-003, Northern Hydro Consultants, Inc.

### CAP-6.

Project No. 3657-005, City of Nashville, Arkansas, and City of Broken Bow, Oklahoma

### CAP-7.

Project No. 9558-001, Carry Falls Corporation

### CAP-8.

Project No. 5926-003, City of Bellevue, Washington

### CAP-9.

Project No. 10171-001, North Country Hydro Associates

### CAP-10.

Project Nos. 8136-005 and 10062-001, Friends of Keeseville, Inc.  
Project No. 9817-003, Cash Flow Systems, Inc.

### CAP-11.

Project No. 5222-002, South Sutter Water District

### CAP-12.

Project No. 3986-003, Swift River Company

### CAP-13.

Project No. 3195-022, Joseph M. Keating

### CAP-14.

Docket No. E-6454-008, City of Centralia, Washington

### CAP-15.

Project No. 2739-013, Utilities Commission and City of Vanceburg, Kentucky

### CAP-16.

Project No. 6432-001, Town of Chester, Montana, Liberty County, Montana, and Montana Renewable Resources

### CAP-17.

Project No. 3083-029, KAMO Electric Cooperative, Inc. and Oklahoma Municipal Power Authority

### CAP-18.

Project No. 8936-002, BES Hydro Inc.

### CAP-19.

Docket No. EL83-10-000, East Columbia Basin Irrigation District, Quincy-Columbia Basin Irrigation District and South Columbia Basin Irrigation District

### CAP-20.

Docket No. ER87-599-000, Gulf States Utilities Company



## CAP-21.

Docket Nos. ER87-593-000, ER85-598-001, ER85-607-000, ER85-621-000 and ER85-634-000, Central Hudson Gas & Electric Corporation

## CAP-22.

Docket No. ER87-365-000, Southern California Edison Company

## CAP-23.

Docket No. ER87-561-000, Arizona Public Service Company

## CAP-24.

Docket No. ER82-426-004, Jersey Central Power & Light Company

## CAP-25.

Docket Nos. EF84-2011-016, EF84-2011-017, EF84-2011-018 and EF84-2011-019, United States Department of Energy—Bonnevillie Power Administration

## CAP-26.

Docket No. EL87-11-001, North Carolina Municipal Power Agency No. 1 v. Duke Power Agency

Docket No. EL87-18-001, Piedmont Municipal Power Agency v. Duke Power Company

Docket No. EL87-20-001, Northern Carolina Electric Membership Corporation v. Duke Power Company

## CAP-27.

Docket No. QF86-594-001, Weyerhaeuser Company

## CAP-28.

Docket No. ER84-574-004, Holyoke Water Power Company and Holyoke Power and Electric Company

## CAP-29.

Docket Nos. ER86-504-001, ER78-71-002 and EL87-44-000, Pennsylvania Power & Light Company

## CAP-30.

Docket No. ER87-67-001, Wisconsin Electric Power Company

*Consent Miscellaneous Agenda*

## CAM-1.

State of Alaska

## CAM-2.

Docket No. FA87-68-000, New England Power Service Company

## CAM-3.

Docket No. RM87-36-000 Interpretation of Comprehensive Plans Under Section 3 of the Electric Consumers Protection Act

## CAM-4.

Docket No. RM81-7-002, Exemption From Licensing Requirements of Part I of the Federal Power Act of a Category of Small Hydroelectric Power Projects with an Installed Capacity of 5 Megawatts or less

## CAM-5.

Docket No. RM87-26-000, Filing Fees Under the Independent Offices Appropriation Act

## CAM-6.

Docket No. GP83-12-002, State of Kansas, Section 103 NGPA Determination, Continental Energy, Stanley No. 1 Well (Haskell Co.), FERC No. JD81-01760

## CAM-7.

Docket No. GP86-22-001, Williston Basin Interstate Pipeline Company v. ARCO Oil and Gas Company

Docket No. SA86-15-001, Williston Basin Interstate Pipeline Company

## CAM-8.

Docket No. RM86-12-000, Generic Determination of Rate and Return on Common Equity for Public Utilities

*Consent Gas Agenda*

## CAG-1.

Docket No. RP87-138-000, Natural Gas Pipeline Company of America

## CAG-2.

Docket Nos. TA88-1-47-000 and RP87-143-000, MIGC, Inc.

## CAG-3.

Docket No. RP87-7-027, Transcontinental Gas Pipe Line Corporation

## CAG-4.

Docket Nos. RP82-55-021, 023 through 028, RP87-7-022 and 024 through 026, Transcontinental Gas Pipe Line Corporation

## CAG-5.

Docket Nos. RP82-124-007, RP81-53-002 and RP81-55-034, East Tennessee Natural Gas Company

## CAG-6.

Docket Nos. RP87-26-010 through 018 and RP85-178-017 through 021, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

## CAG-7.

Docket Nos. RP82-58-018 through 021, Panhandle Eastern Pipe Line Company  
Docket Nos. RP82-105-005 through 007, Central Illinois Light Company

## CAG-8.

Docket Nos. TA82-1-21-029 and 030, Columbia Gas Transmission Corporation

## CAG-9.

Docket Nos. TA85-2-37-000, 015 through 020 and TA85-3-37-000, Northwest Pipeline Corporation

## CAG-10.

Docket Nos. TA87-2-41-003 and 004, Southwest Gas Corporation

## CAG-11.

Docket No. RP82-114-000 Williams Natural Gas Company (formerly Northwest Central Pipeline Corporation)

## CAG-12.

Docket No. RP86-45-018, El Paso Natural Gas Company

## CAG-13.

Docket No. TA87-2-8-000, South Georgia Natural Gas Company

## CAG-14.

(A) Docket No. CP87-15-001, Trunkline Gas Company  
(B) Docket No. CP87-15-002, Panhandle Eastern Pipe Line Company

## CAG-15.

Docket No. TA87-3-53-000, KN Energy, Inc.

## CAG-16.

Docket No. TA85-1-29-011, Transcontinental Gas Pipe Line Corporation

## CAG-17.

Docket No. ST87-1145-000, Sabine-DeSoto Pipe Line Company, Inc.

## CAG-18.

Docket CI87-705-000, Conoco Inc.  
Docket No. CI87-706-000, Union Exploration Partners, Ltd.

Docket No. CI87-710-000, Sun Exploration and Production Company

Docket No. CI87-776-000, Odeco Oil & Gas Company

## CAG-19.

Docket Nos. CI87-548-000 and CI87-558-000, Conoco Inc.

## CAG-20.

Docket Nos. CI87-659-000 and CI87-662-000, Phillips Petroleum Company

## CAG-21.

Docket No. CI87-130-000, Grace Petroleum Corporation

## CAG-22.

Docket No. CP77-421-030, Transcontinental Gas Pipe Line Corporation

## CAG-23.

Docket Nos. CP87-166-002 and CP87-316-002, Florida Gas Transmission Company

## CAG-24.

Docket Nos. CP87-196-001, 002, 003 and 005, Transcontinent Gas Pipe Line Corporation

Docket Nos. CP87-203-001, through 004, Consolidated Gas Transmission Corporation and North Penn Gas Company

## CAG-25.

Docket Nos. CP37-159-00 through 004, CP87-304-000, 001 and 002, Pacific Gas Transmission Company

## CAG-26.

Docket No. CP86-380-000, Northern Natural Gas Company, Division of Enron Corporation

## CAG-27.

Docket No. CP86-146-000, Consolidated Gas Transmission Corporation  
Docket Nos. CP86-597-000 and 001, Transcontinental Gas Pipe Line Corporation

## CAG-28.

Docket No. CP87-21-000, Pacific Gas Transmission Company

## CAG-29.

Docket No. CP86-143-006, Texas Gas Transmission Corporation

## CAG-30.

Docket No. CP87-301-000, Williams Natural Gas Company

## CAG-31.

Docket No. CP87-112-000, Transwestern Pipeline Company and H. L. Brown, Jr.

## CAG-32.

Docket No. CP87-119-000, Southern Natural Gas Company

## CAG-33.

Docket No. CP84-623-002, Western Gas Interstate Company  
Docket Nos. CP84-679-000 and 001, Public Service Company of New Mexico/San Juan Interstate Gas Company  
Docket Nos. CI-77-563-000, and 001, Shell Oil Company  
Docket Nos. CI-78-38-000 and 001, Conoco Inc.

## CAG-34.

Docket No. CP87-459-000, Shell Gas Pipeline Company

**I. Licenced Project Matters**

- P-1. Omitted
- P-2. Omitted
- P-3. Omitted

**II. Electric Rate Matters**

## ER-1.

Docket No. EL87-46-000, Arkansas Power & Light Company. Order on petition for



declaratory order regarding accounting regulations.

#### Miscellaneous Agenda

M-1. Reserved

M-2. Reserved

M-3. Docket No. RM87-25-000, Regulations Delegating Authority. Final Rule.

M-4. Docket No. GP86-2-002, Southern Union Company. Declaratory order on maximum lawful prices.

#### I. Pipeline Rate Matters

RP-1.

Docket Nos. RP87-141-000 and 001, Natural Gas Pipeline Company of America. Order concerning tariff sheets including an inventory holding charge.

RP-2.

Omitted

RP-3.

Docket Nos. RP84-82-000 and Tarpon Transmission Company. Order on initial decision involving issues concerning rate base, depreciation, capital structure, and rate of return.

RP-4.

Docket Nos. RP85-206-011 through 027, Northern Natural Gas Company, Division of Enron Corporation. Order on rehearing of order issued concerning transportation under Part 284.

#### II. Producer Matters

CI-1.

Docket No. IN86-5-000 (Phase I), Mobil Exploration and Producing North America, Inc. Order on initial decision regarding maximum lawful prices.

#### III. Pipeline Certificate Matters

CP1.

Docket Nos. CP85-437-001 and 002, Mojave Pipeline Company

Docket No. CP85-552-001, Kern River Gas Transmission Company

Docket Nos. CP86-205-000 and 001, El Dorado Interstate Transmission Company

Docket No. CP87-479-000, Wyoming-California Pipeline Company. Order on request for rehearing of hearing order, on petitions for declaratory orders, and on motion to consolidate applications, with respect to proposals to provide new gas service for enhanced oil recovery operations in California.

CP2.

Docket Nos. CP85-621-000, CP85-674-000, CP85-713-001, CP85-714-001, CP85-716-000, CP85-889-000 and CP86-53-000, ANR Pipeline Company. Opinion on initial decision regarding requests for section 7(c) authorization for transportation of gas.

CP3.

Docket Nos. CP87-499-000, El Paso Natural Gas Company. Order on petition for declaratory relief with respect to certificate, rate and contract matters arising from state court litigation in Texas.

Kenneth F. Plumb,

Secretary.

[FR Doc. 87-23747 Filed 10-8-87; 3:43 pm]

BILLING CODE 6717-01-M

#### FEDERAL TRADE COMMISSION

"FEDERAL REGISTER" CITATION OF  
PREVIOUS ANNOUNCEMENT: 52 FR,  
October 1, 1987, Page No. 36862.

**PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING:** 2:00 p.m., Wednesday, October 7, 1987.

**CHANGES IN AGENDA:** The Federal Trade Commission has cancelled its previously announced oral argument at which it was to discuss Ticor Title Insurance Company et al., Docket No. 9190.

Emily H. Rock,

Secretary.

[FR Doc. 87-73726 Filed 10-8-87; 2:46 pm]

BILLING CODE 6750-01-M

#### FEDERAL TRADE COMMISSION

**TIME AND DATE:** 9:00 a.m., Wednesday, October 7, 1987.

**PLACE:** Room 532, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

**STATUS:** Open.

#### MATTER TO BE CONSIDERED:

Consideration of Commission participation in possible revisions to antitrust guides for international operations.

#### CONTACT PERSON FOR FURTHER

**INFORMATION:** Susan B. Ticknor, Office of Public Affairs: (202) 326-2179, Recorded Message: (202) 326-2711.

Emily H. Rock,

Secretary.

[FR Doc. 87-23727 Filed 10-8-87; 2:46 pm]

BILLING CODE 6750-01-M



# Corrections

Federal Register

Vol. 52, No. 197

Tuesday, October 13, 1987

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[Gen. Docket No. 86-225; FCC 87-303]

### Ex Parte Communications and Presentations in Commission Proceedings

#### Correction

In rule document 87-23050 beginning on page 37458 in the issue of Wednesday, October 7, 1987, make the following corrections:

1. On page 37460, in the second column, in the amendatory instructions for § 1.1208, item 9 (b) should read "(b) Redesignating paragraphs (c)(1)(iv) introductory text, (A), (B), and (C), as (c)(1)(i) introductory text, (A), (B), and (C)."

2. In the same column, item 9 (d) should read "(d) Adding paragraphs

(c)(1)(ii) introductory text and (c)(1)(ii)(D)."

BILLING CODE 1505-01-D

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1650

### Methods of Withdrawing Funds From the Thrift Savings Plan

#### Correction

In rule document 87-19552 beginning on page 32280 in the issue of Wednesday, August 26, 1987, make the following corrections:

1. On page 32284, in the first column, § 1650.16 contained errors and is reprinted in its entirety as follows:

§ 1650.16 Withdrawal elections requiring notification to spouses.

(a) The Executive Director will transfer a vested account balance to an eligible retirement plan for CSRS and FERS participants who separate from government service before having basic retirement eligibility only after notification of the current and each former spouse of the participant in accordance with § 1650.19.

(b) No election of benefits, change of election of benefits, or modification of the commencement date of an annuity

can be made effective for a CSRS participant prior to notification of the current spouse of the participant in accordance with the requirements of § 1650.19.

§ 1650.18 [Corrected].

2. Also page 32284, in the first column, in § 1650.18(a), in the fourth line, "Form FSP-" should read "Form TSP-."

BILLING CODE 1505-01-D

## DEPARTMENT OF THE TREASURY

### Customs Service

### 19 CFR Part 113

[T.D. 87-124]

### Customs Regulations Amendment Relating to Carrier Liabilities for Unlawful Lading, Exportation or Disposition of Export-Controlled Merchandise

#### Correction

In rule document 87-22934 beginning on page 37132 in the issue of Monday, October 5, 1987, make the following correction:

On page 37135, in the first column, in the fourth complete paragraph, in the ninth line, "and the" should read "and not the".

BILLING CODE 1505-01-D



# Estimote Federal

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Tuesday  
October 13, 1987

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## Part II

### Federal Maritime Commission

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Notice of Intent To Cancel Inactive  
Tariffs



**FEDERAL MARITIME COMMISSION****Notice of Intent To Cancel Inactive Tariffs**

The foreign commerce files of the Federal Maritime Commission contain numerous tariffs filed on behalf of firms which appear to be inactive or no longer operating as common carriers. For the purpose of this notice a carrier has been deemed to be inactive or no longer operating if it has met all of the following criteria: (1) Return as undeliverable by the United States Postal Service of an anti-rebating certificate reminder letter mailed to the carrier at its last known address; (2) attempts to contact the carrier by telephone have been unsuccessful; (3) failure of the carrier to file an anti-rebating certificate; and (4) failure of the carrier to amend its tariffs during the preceding twelve months.

Inactive tariffs reflect inaccurate information and serve no useful purpose. Accordingly, in the absence of a showing of good cause why such action should not be taken, the Commission proposes to cancel the tariffs of the companies included on the attached list. Certain information items on the attached list may not apply to a particular carrier and are therefore, intentionally left blank.

Now Therefore, it is ordered, That the carriers included on the attached listing advise the Federal Maritime Commission's Director, Bureau of Domestic Regulation at 1100 L Street, NW., Washington, DC 20573, in writing, within 30 days after the publication of this Order in the *Federal Register*, of any reason why the Commission should not cancel their respective tariffs;

It is further ordered, That a copy of this Order be sent by certified mail to the last known address of the carriers listed in the attachment;

It is further ordered, That the tariffs of all carriers named in the attached list who fail, within the time allotted, to provide good cause for maintaining these tariffs in an active status will be cancelled;

It is further ordered, That this notice be published in the *Federal Register*.

This Order is issued pursuant to authority delegated to the Director, Bureau of Domestic Regulation by Section 9.04 of Commission Order No. 1 (Revised) dated November 12, 1981.

Robert G. Drew,

Director, Bureau of Domestic Regulation.

**Federal Maritime Commission, Bureau of Domestic Regulation, Office of Carrier Tariffs, and Service Contract Operations**

*Inactive Tariffs***DBA: A-1 Consolidators, Inc.,**

*Person Types:* Non-vessel operating common carrier

*Street:* 2974 Northwest North River Drive

*City:* Miami

*State:* FL 33142

*Country:* United States of America

*License No:*

*Name Number:* 002159

**DBA: A.E. International Shipping**

*Person Types:* Non-vessel operating common carrier

*Street:* 1501 Vermont Street

*City:* San Francisco

*State:* CA 94107

*Country:* United States of America

*License No:*

*Name Number:* 006774

**DBA: A.K. Express**

*Person Types:* Non-vessel operating common carrier

*Street:* 19032-B SO. Vermont Avenue

*City:* Gardena

*State:* CA 90248

*Country:* United States of America

*License No:*

*Name Number:* 000152

**DBA: ABACO International Shippers**

*Person Types:* Non-vessel operating common carrier

*Street:* 4201 West Wrightwood Avenue

*City:* Chicago

*State:* IL 60639

*Country:* United States of America

*License No:*

*Name Number:* 000154

**DBA: ABI Limited**

*Person Types:* Non-vessel operating common carrier

*Street:* Pipp's Hill Industrial Estate

*City:* Basildon Essex SS14 3BS England

*State:*

*Country:* Great Britain

*License No:*

*Name Number:* 005821

**DBA: Acadian Ocean Freight, Ltd.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 419 Rue Decatur

*City:* New Orleans

*State:* LA 70130

*Country:* United States of America

*License No:*

*Name Number:* 000163

**DBA: Aegis Logistics Systems Inc.**

*Person Types:* Non-vessel operating common carrier Marine terminal operator

*Street:* Guilford Industrial Center 9505

*Berger Road*

*City:* Columbia

*State:* MD 21046

*Country:* United States of America

*License No:*

*Name Number:* 000169

**DBA: African Liner Service, Inc.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* P.O. Box 58

*City:* Red Bank

*State:* NJ 07701

*Country:* United States of America

*License No:*

*Name Number:* 000174

**DBA: Agencija Dudenjak Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 32-08A Broadway

*City:* Astoria

*State:* NY 11106

*Country:* United States of America

*License No:*

*Name Number:* 000175

**DBA: AL-ROD International, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 5625 North Pearl Street

*City:* Rosemont

*State:* IL 60018

*Country:* United States of America

*License No:*

*Name Number:* 006773

**DBA: Albury's International Shipping, Inc.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* P.O. Box N3456

*City:* Nassau

*State:*

*Country:* Bahama Islands

*License No:*

*Name Number:* 000191

**DBA: Alcoa Steamship Co., Inc.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* P.O. Box 2568

*City:* Mobile

*State:* AL 36652

*Country:* United States of America

*License No:*

*Name Number:* 000193

**DBA: Alliance Maritime Line, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 9-15 Murray Street

*City:* New York

*State:* NY 10007

*Country:* United States of America

*License No:*

*Name Number:* 002792

**DBA: Allmodal Shipping**

*Person Types:* Non-vessel operating common carrier

*Street:* 1565 Beach Street



City: Oakland  
State: CA 94608  
Country: United States of America  
License No:  
Name Number: 000206

**DBA: Altai Shipping Corp.**  
Person Types: Non-vessel operating  
common carrier  
Street: 590 Belleville Turnpike  
City: Kearny  
State: NJ 07032  
Country: United States of America  
License No:  
Name Number: 006189

**DBA: Amercon Ocean Freight Lines, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 65 Springfield Avenue  
City: Springfield  
State: NJ  
Country: United States of America  
License No:  
Name Number: 000217

**DBA: Ameri-Lines Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 6000 N.W. 84th Avenue  
City: Miami  
State: FL 33166  
Country: United States of America  
License No:  
Name Number: 006617

**DBA: America Africa Europe Line**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: Trans-Navao  
City: Grimm, 14 2000 Hamburg 11, West  
Germany  
State:  
Country: German Federal Republic  
(West)  
License No:  
Name Number: 007035

**DBA: America-Africa Line, Ltd.**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: Bereederungsges M.B.H. Grimm  
14  
City: 2000 Hamburg 11  
State:  
Country: German Federal Republic  
(West)  
License No:  
Name Number: 000218

**DBA: American Cargo Transportation  
Group, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 233 Broadway—Suite 669  
City: New York  
State: NY  
Country: United States of America  
License No:  
Name Number: 005902

**DBA: American Continental Line, Inc.**  
Person Types: Ocean common carrier

(vessel operating)  
Street: c/o Steamco, 11 Broadway  
City: New York  
State: NY  
Country: United States of America  
License No:  
Name Number: 005846  
**DBA: American Express Lines**  
Person Types: Non-vessel operating  
common carrier  
Street: 235 West 134th Street  
City: Los Angeles  
State: CA 90061  
Country: United States of America  
License No:  
Name Number: 000224

**DBA: American Intermodal Services,  
Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 17 Battery Place—Suite 1717  
City: New York  
State: NY 10004  
Country: United States of America  
License No:  
Name Number: 000230

**DBA: American Kings, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 1412 N.W. 82nd Avenue  
City: Miami  
State: FL 33126  
Country: United States of America  
License No:  
Name Number: 006768

**DBA: American Maritime Express**  
Person Types: Agent—filing non-vessel  
operating common carrier  
Street: 5242 West 104th Street  
City: Los Angeles  
State: CA 94925  
Country: United States of America  
License No:  
Name Number: 005951

**DBA: American Maritime Express, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 5 Marineview Plaza—Suite 312  
City: Hoboken  
State: NJ 07030  
Country: United States of America  
License No:  
Name Number: 000233

**DBA: American Pacific Line, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 110 W. Ocean Blvd. Suite 515  
City: Long Beach  
State: CA  
Country: United States of America  
License No:  
Name Number: 005843

**DBA: American Shipping Lines, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 11320 South Post Oak Road,  
# 214

City: Houston  
State: TX 77035  
Country: United States of America  
License No:  
Name Number: 006615

**DBA: American Trailer Express**  
Person Types: Non-vessel operating  
common carrier  
Street: P.O. Box 523070  
City: Miami  
State: FL 33152  
Country: United States of America  
License No:  
Name Number: 000243

**DBA: Americargo Lines, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 7233 NW. 79th Terrace  
City: Miami  
State: FL 33166  
Country: United States of America  
License No:  
Name Number: 006613

**DBA: Americas Caribbean**  
Person Types: Non-vessel operating  
common carrier  
Street: 1300 Mark Street  
City: Elk Grove Village  
State: IL 60007  
Country: United States of America  
License No:  
Name Number: 000248

**DBA: Americas Container Line Ltd.**  
Person Types: Non-vessel operating  
common carrier  
Street: 32 South Street  
City: Baltimore  
State: MD 21202  
Country: United States of America  
License No:  
Name Number: 006196

**DBA: Amertrans International  
Corporation**  
Person Types: Non-vessel operating  
common carrier  
Street: 8360 W. Flagler Street #104 A  
City: Miami  
State: FL 33144  
Country: United States of America  
License No:  
Name Number: 006770

**DBA: AML, Inc.**  
Person Types: Non-vessel operating  
common carrier  
Street: 3785 NW., 83rd Avenue, Suite  
104  
City: Miami  
State: FL 33166  
Country: United States of America  
License No:  
Name Number: 006614

**DBA: Ancora Shipping N.V.**  
Person Types: Non-vessel operating  
common carrier  
Street: Willemstad,



City: Curacao  
 State:  
 Country: Netherlands, Antilles  
 License No:  
 Name Number: 000253  
**DBA: Angonave, S.A.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 200 Plaza Drive, Harmon  
 Meadows  
 City: Secaucus  
 State: NJ 07094  
 Country: United States of America  
 License No:  
 Name Number: 000256  
**DBA: Antillean Cargo Services**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 5400 NW. 32nd Court  
 City: Miami  
 State: FL 33142  
 Country: United States of America  
 License No:  
 Name Number: 007037  
**DBA: Ontilles & Amazon Line**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 220 E. 42nd Street, Suite 2100  
 City: New York  
 State: NY 10017  
 Country: United States of America  
 License No:  
 Name Number: 006611  
**DBA: Antilles Transport Line, Inc.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Oceanic House, 21 West Main St.  
 City: Oyster Bay  
 State: NY 11771  
 Country: United States of America  
 License No:  
 Name Number: 005884  
**DBA: APAC Lines Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1003 Winning Commercial Bldg,  
 46-48 Hillwood Rd., Tsimshatsui,  
 City: Kowloon  
 State:  
 Country: Hong Kong  
 License No:  
 Name Number: 005885  
**DBA: API Container Line**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 8915 South LA Cienega Blvd.  
 City: Ingelwood  
 State: CA 90301  
 Country: United States of America  
 License No:  
 Name Number: 005886  
**DBA: Aqua Lines Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 123 Pennsylvania Ave.  
 City: South Kearny  
 State: NJ 07032

Country: United States of America  
 License No:  
 Name Number: 00264  
**DBA: Asia Blue Shipping, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 149-10 183rd Street  
 City: Jamaica  
 State: NY 11413  
 Country: United States of America  
 License No:  
 Name Number: 002849  
**DBA: Asia Express Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: No. 18, Lane 52, I Tung Street  
 City: Taipei, Taiwan  
 State:  
 Country: People's Republic of China  
 License No:  
 Name Number: 005887  
**DBA: ATA Nautical Corporation**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 3220 N.W. South River Drive  
 City: Miami  
 State: FL 33142  
 Country: United States of America  
 License No:  
 Name Number: 00283  
**DBA: Atlantia Shipping Corporation**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 80 Broad Street  
 City: Monrovia  
 State:  
 Country: Liberia  
 License No:  
 Name Number: 00284  
**DBA: Atlantic Lines and Navigation  
 Company Inc.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 33 Brouwersvliet-B-2000  
 City: Antwerp  
 State:  
 Country: Belgium  
 License No:  
 Name Number: 00307  
**DBA: Atlantic Middle East Lines S.A.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Edificio Braniff Av Federico Boyd  
 y Calle 51  
 City: Panama City  
 State:  
 Country: Republic of Panama  
 License No:  
 Name Number: 00308  
**DBA: Atlantraffik Express Service, Ltd.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 370 Lexington Avenue  
 City: New York  
 State: NY 10017  
 Country: United States of America  
 License No:

Name Number: 000311  
**DBA: Atlas Lines**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Edificio Torre Bancosur  
 City: Panama 1, Panama  
 State:  
 Country: Republic of Panama  
 License No:  
 Name Number: 005899  
**DBA: Auro Mar Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 3095-B NW. 77th Avenue  
 City: Miami  
 State: FL 33122  
 Country: United States of America  
 License No:  
 Name Number: 000316  
**DBA: Ayo Shipping Corporation**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: P.O. Box 2127  
 City: Mobile  
 State: AL 36652  
 Country: United States of America  
 License No:  
 Name Number: 006612  
**DBA: B.C. Shipping Line, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1911 West Alabama  
 City: Houston  
 State: TX 77098  
 Country: United States of America  
 License No:  
 Name Number: 006009  
**DBA: B.R. Glynn International Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 167-37 Porter Road  
 City: Jamaica  
 State: NY 11434  
 Country: United States of America  
 License No:  
 Name Number: 000328  
**DBA: Backgammon Container Line**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 110 West Ocean Blvd., Suite 320  
 City: Long Beach  
 State: CA 90802  
 Country: United States of America  
 License No:  
 Name Number: 000332  
**DBA: Bestway Ocean Express  
 Transport, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 515 River Road  
 City: Clifton  
 State: NJ 07014  
 Country: United States of America  
 License No:  
 Name Number: 000374  
**DBA: Blue Shipping Agency**



*Person Types:* Non-vessel operating common carrier

*Street:* Via Borra, 35-57100

*City:* Livorno

*State:*

*Country:* Italy

*License No:*

*Name Number:* 006766

**DBA: Bluesea Shipping Line, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 1361 South Figueroa Street

*City:* Los Angeles

*State:* CA 90015

*Country:* United States of America

*License No:*

*Name Number:* 000381

**DBA: Books International, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 6096

*City:* McLean

*State:* VA 22106

*Country:* United States of America

*License No:*

*Name Number:* 002802

**DBA: Bostrum-Warren, Inc.**

*Person Types:* Ocean freight forwarder (independent) Non-vessel operating common carrier

*Street:* 3200 Fourth Ave South

*City:* Seattle

*State:* WA 98134

*Country:* United States of America

*License No:* 1729

*Name Number:* 001769

**DBA: Bow Patmar Container Line, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 1105 Caspian Avenue

*City:* Long Beach

*State:* CA 90813

*Country:* United States of America

*License No:*

*Name Number:* 001770

**DBA: Branco Atlantico Line S.A.**

*Person Types:* Non-vessel operating common carrier

*Street:* 90 Broad Street, 2nd Floor

*City:* New York

*State:* NY 10004

*Country:* United States of America

*License No:*

*Name Number:* 006081

**DBA: Bushfinch International Enterprises**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 19861

*City:* Raleigh

*State:* NC 27619

*Country:* United States of America

*License No:*

*Name Number:* 000396

**DBA: C Line Marine Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 1218 Union Street

*City:* Brooklyn

*State:* NY 11225

*Country:* United States of America

*License No:*

*Name Number:* 000642

**DBA: C.A. Naviera de Transporte y Turismo Transytur Line**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* c/o Transytur Line

*City:* Miami

*State:* FL 33132

*Country:* United States of America

*License No:*

*Name Number:* 007048

**DBA: C.D.I. of Kentucky, Inc.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 333 West Vine Street, Suite 1505

*City:* Lexington

*State:* KY 40507

*Country:* United States of America

*License No:*

*Name Number:* 002359

**DBA: C.F.M. Consolidators, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* Hook Creek Blvd. & 145th Avenue

*City:* Valley Stream

*State:* NY 11581

*Country:* United States of America

*License No:*

*Name Number:* 005983

**DBA: California International Freight Corp.**

*Person Types:* Ocean common carrier (vessel operating) Non-vessel operating common carrier

*Street:* 425 California Street, Suite 2200

*City:* San Francisco

*State:* CA 94104

*Country:* United States of America

*License No:*

*Name Number:* 000667

**DBA: Canatlantic Line Ltd.**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 8274 Station A

*City:* St. Johns, Newfoundland, A1B3N4

*State:*

*Country:* Canada

*License No:*

*Name Number:* 005989

**DBA: Cantacarlo Container Line**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Central Banaven, Nucleo B Piso 2, Oficina 22

*City:* Chuad, Caracas

*State:*

*Country:* Venezuela

*License No:*

*Name Number:* 000678

**DBA: Cargomasters, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 33 Rector Street

*City:* New York

*State:* NY 10006

*Country:* United States of America

*License No:*

*Name Number:* 000694

**DBA: Cargonet (NY) Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 145 Hook Creek Blvd. Bldg. 15

*City:* Valley Stream

*State:* NY 11581

*Country:* United States of America

*License No:*

*Name Number:* 005998.

**DBA: Carib Atlantic Lines Ltd.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Grand Cayman B.W.I.

*City:*

*State:*

*Country:* Cayman Islands

*License No:*

*Name Number:* 000697

**DBA: Caribbean and Central American Lines Limited.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* P.O. Box 190

*City:* Grand Cayman

*State:*

*Country:* Cayman Islands

*License No:*

*Name Number:* 006005

**DBA: Caribbean Antillean Freight, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 6501 N.W. 36th Street, Suite 180

*City:* Miami

*State:* FL 33166

*Country:* United States of America

*License No:*

*Name Number:* 000702

**DBA: Caribbean Basin Transport Ltd.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Bank of Nova Scotia Building 4th Floor

*City:* Georgetown

*State:*

*Country:* Cayman Islands

*License No:*

*Name Number:* 006003

**DBA: Caribbean Cargo Services, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 524 Bergen Street

*City:* Brooklyn

*State:* NY 11217

*Country:* United States of America

*License No:*

*Name Number:* 000705

**DBA: Caribe Transport Consolidators, Inc.**

*Person Types:* Non-vessel operating common carrier



Street: 7856 NW 72nd Avenue  
City: Miami  
State: FL 33166  
Country: United States of America  
License No:  
Name Number: 000716  
**DBA: Caribmar Trading Ltd.**  
Person Types: Non-vessel operating  
common carrier Agent - filing  
Street: 3500 NW. 114th Street  
City: Miami  
State: FL 33167  
Country: United States of America  
License No:  
Name Number: 000717  
**DBA: Carigulf Lines**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: P. O. Box 760  
City: Belize City  
State:  
Country: Belize  
License No:  
Name Number: 000719  
**DBA: Carreras Shipping Co.**  
Person Types: Non-vessel operating  
common carrier  
Street: P.O. Box 950  
City: San Juan  
State: PR 00902  
Country: United States of America  
License No:  
Name Number: 002777  
**DBA: CBS**  
Person Types: Non-vessel operating  
common carrier  
Street: G.P.O. Box 4811  
City: San Juan  
State: PR 00936  
Country: Puerto Rico  
License No:  
Name Number: 000703  
**DBA: Central American Shipping Services**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: P.O. Box 24  
City: Puerto Cortes  
State:  
Country: Republic of Honduras  
License No:  
Name Number: 000734  
**DBA: Central American Trailers**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: 14 Calle 8-14 Zone 1  
City: Guatemala City  
State: Guatemala Cayman Islands  
Country:  
License No:  
Name Number: 000736  
**DBA: Centramer Line, C.A.**  
Person types: Ocean common carrier  
(vessel operating)  
Street: Piso 2, Oficina 22, Chuao  
City: Caracas  
State:

Country: Venezuela  
License No:  
Name number: 006963  
**DBA: Century Marine, Inc.**  
Person types: Non-vessel operating  
common carrier  
Street: 142-82 Rockaway Boulevard  
City: Jamaica  
State: NY 11434  
Country: United States of America  
License No:  
Name number: 000742  
**DBA: Cheetah International Inc.**  
Person types: Non-vessel operating  
common carrier  
Street: 1115 Clifton Avenue  
City: Clifton  
State: NJ 07013  
Country: United States of America  
License No:  
Name number: 006012  
**DBA: CIA. Maritima Sanadres y Providencia, Ltda. Sanprovi**  
Person types: Ocean common carrier  
(vessel operating)  
Street: 3750 NW. 28th Street Suite 200  
City: Miami  
State: FL 33142  
Country: United States of America  
License No:  
Name number: 006966  
**DBA: Clipper Navigation Corporation**  
Person types: Ocean common carrier  
(vessel operating)  
Street:  
City: Monrovia, Liberia  
State:  
Country: Liberia  
License No:  
Name number: 001771  
**DBA: Colonial Navigation, Inc.**  
Person types: Ocean common carrier  
(vessel operating) Agent—filing  
Street: 2 E. Bryan Street  
City: Savannah  
State: GA 31412  
Country: United States of America  
License No:  
Name number: 000764  
**DBA: Columbus Cargo System, Inc.**  
Person types: Non-vessel operating  
common carrier  
Street: 120 Broadway, Suite 2903  
City: New York  
State: NY 10005  
Country: United States of America  
License No:  
Name number: 006762  
**DBA: Combined Line, Inc., The**  
Person types: Non-vessel operating  
common carrier  
Street: 650 Grain Exchange Building  
City: Minneapolis  
State: MN 55415  
Country: United States of America  
License No:  
Name number: 002234

**DBA: Combined Transport Line**  
Person types: Non-vessel operating  
common carrier  
Street: P.O. Box 34470  
City: North Kansas City  
State: MO 64116  
Country: United States of America  
License No:  
Name number: 006032  
**DBA: Compagnie Maritime Zairoise**  
Person types: Controlled Carrier  
Street:  
City: Kinshasa  
State:  
Country: Zaire  
License No:  
Name number: 000785  
**DBA: Compagnie Marocaine de Navigation Comanav**  
Person types: Ocean common carrier  
(vessel operating)  
Street: 7, Boulevard de la Resistance  
City: Casablanca 05  
State:  
Country: Morocco  
License No:  
Name number: 005965  
**DBA: Companhia Nacional de Navegacao**  
Person types: Ocean common carrier  
(vessel operating)  
Street: Rua do Comercio, 85, Apartado  
2184-1104  
City: Lisbon  
State:  
Country: Portugal  
License No:  
Name number: 000790  
**DBA: Companhia Portuguesa de Navegacao, Lda.**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: Rual Alto Do DuRue, 67—Resteo  
1400  
City: Lisbon  
State:  
Country: Portugal  
License No.:  
Name Number: 006038  
**DBA: Concorde Caribe Lines, Ltd.**  
Person Types: Ocean common carrier  
(vessel operating)  
Street: 2150 NW. 70th Avenue  
City: Miami  
State: FL 33122  
Country: United States of America  
License No.:  
Name Number: 000797  
**DBA: Conex Marine, Ltd.**  
Person Types: Non-vessel operating  
common carrier  
Street: 2500 Wilshire Blvd. #1026  
City: Los Angeles  
State: CA 90057  
Country: United States of America  
License No.:  
Name Number: 002154



**DBA: Conquest Industries, Ltd.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 1500 Broadway—Suite 2304  
*City:* New York  
*State:* NY 10036  
*Country:* United States of America  
*License No.:*  
*Name Number:* 002156

**DBA: Contimar Gulfmed Line**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Ebbchausee 189  
*City:* 2000-52 Hamburg  
*State:*  
*Country:* German Federal Republic  
 (West)  
*License No.:*  
*Name Number:* 000825

**DBA: Contramar S.A.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Klipperstraat 15  
*City:* 2020 Antwerpen  
*State:*  
*Country:* Belgium  
*License No.:*  
*Name Number:* 000824

**DBA: Cosmos Express**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 39 Broadway  
*City:* New York  
*State:* NY 10004  
*Country:* United States of America  
*License No.:*  
*Name Number:* 000833

**DBA: Cylanco S.A.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 25 de Mayo 444 4 Piso  
*City:* Montevideo  
*State:*  
*Country:* Uruguay  
*License No.:*  
*Name Number:* 002430

**DBA: Damco-Boston, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 140 Wood Road  
*City:* Braintree  
*State:* MA 02184  
*Country:* United States of America  
*License No.:*  
*Name Number:* 000904

**DBA: Damco-Charleston, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 215 East Bay Street  
*City:* Charleston  
*State:* SC 29402  
*Country:* United States of America  
*License No.:*  
*Name Number:* 000905

**DBA: Date Line Shipping Inc.**  
*Person Types:* Non-vessel operating  
 common carrier

*Street:* 42 Broadway  
*City:* New York  
*State:* NY 10004  
*Country:* United States of America  
*License No.:*  
*Name Number:* 000916  
**DBA: Deca Marine Corporation**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 18065 Southwest 77th Avenue  
*City:* Miami  
*State:* FL 33157  
*Country:* United States of America  
*License No.:*  
*Name Number:* 000921

**DBA: Delf Shipping (Pty.) Limited**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 117 Sandown Centre  
*City:* Maud Street-Sandown-Sandton—  
 Transvaal  
*State:*  
*Country:* Lesotho  
*License No.:*  
*Name Number:* 000923

**DBA: Delfin Marina S.A.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Aquilano de la Guardia No. 3  
*City:* Ciudad de Panama  
*State:*  
*Country:* Republic of Panama  
*License No.:*  
*Name Number:* 005815

**DBA: Delta Caribbean Lines Limited**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Louisiana Avenue Open Wharf,  
 P.O. Box 750274  
*City:* New Orleans  
*State:* LA 70175  
*Country:* United States of America  
*License No.:*  
*Name Number:* 006967

**DBA: Desford Lines, Inc.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 80 Broad Street  
*City:* Monrovia  
*State:*  
*Country:* Liberia  
*License No.:*  
*Name Number:* 000930

**DBA: Dionysia Shipping Corporation**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Boereniegerstraat 171  
*City:* B 2520 Edegem (Antwerp)  
*State:*  
*Country:* Belgium  
*License No.:*  
*Name Number:* 000936

**DBA: Divi-divi Line, Ltd.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:*  
*City:* Tortola

*State:*  
*Country:* Virgin Islands  
*License No.:*  
*Name Number:* 000945  
**DBA: Double Eagle Lines, Inc.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 75 Landscape Avenue  
*City:* Yonkers  
*State:* NY 10705  
*Country:* United States of America  
*License No.:*  
*Name Number:* 002220

**DBA: DPS Freight Services Ltd.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* Stone House, 128-140  
 Bishopsgate  
*City:* London EC2M 4HX England  
*State:*  
*Country:* Great Britain  
*License No.:*  
*Name Number:* 005740

**DBA: Durion Freight Lines, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* Universal American, 1860 Ala  
 Moana Blvd, Suite 706  
*City:* Honolulu  
*State:* HI 96815  
*Country:* United States of America  
*License No.:*  
*Name Number:* 005701

**DBA: E.D.S. International Shipping Corp.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 506-528 Cozine Avenue  
*City:* Brooklyn  
*State:* NY 11208  
*Country:* United States of America  
*License No.:*  
*Name Number:* 006757

**DBA: E.W.E. Transportation Company Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* Pier 56  
*City:* Seattle  
*State:* WA 98101  
*Country:* United States of America  
*License No.:*  
*Name Number:* 006088

**DBA: EAL Europa-Afrika-Linie GMBH**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Hinter Der Mauer 9  
*City:* Bremen  
*State:*  
*Country:* German Federal Republic  
 (West)  
*License No.:*  
*Name Number:* 002764  
**DBA: Econolines A.J. Groupage B.V. (A Service of)**



*Person Types:* Non-vessel operating common carrier  
*Street:* 34 Heemraadssingel  
*City:* 3021 DB Rotterdam  
*State:*

*Country:* Netherlands Antilles  
*License No:*

*Name Number:* 006090

**DBA: Elite Container Systems (USA) Ltd.**

*Person Types:* Non-vessel operating common carrier

*Street:* 299 Broadway, Suite 1215

*City:* New York

*State:* NY 10007

*Country:* United States of America

*License No:*

*Name Number:* 002221

**DBA: Empros Lines**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 17 Battery Place

*City:* New York

*State:* NY 10004

*Country:* United States of America

*License No:*

*Name Number:* 006970

**DBA: Ethiopian Shipping Lines**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* P.O. Box 2572

*City:* Addis Ababa

*State:*

*Country:* Ethiopia

*License No:*

*Name Number:* 001244

**DBA: Euram Lines and Navigation Inc.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:*

*City:* Panama, R.P.

*State:*

*Country:* Republic of Panama

*License No:*

*Name Number:* 001245

**DBA: Euroad International, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 3785 N.W. 82nd Avenue

*City:* Miami

*State:* FL 33166

*Country:* United States of America

*License No:*

*Name Number:* 001250

**DBA: European Express Shipping Lines Co.**

*Person Types:* Non-vessel operating common carrier

*Street:* 17 Battery Place—Suite 1930

*City:* New York

*State:* NY 10004

*Country:* United States of America

*License No:*

*Name Number:* 001259

**DBA: European Ocean Freight, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 17 Battery Place—Suite 236

*City:* New York

*State:* NY 10004

*Country:* United States of America

*License No:*

*Name Number:* 001260

**DBA: Eurotramp International Limited**

*Person Types:* Ocean common carrier (Vessel Operating)

*Street:* P.O. Box N

*City:* 8327 Nassau

*State:*

*Country:* Bahama Islands

*License No:*

*Name Number:* 006109

**DBA: Expreso A. Santo Domingo, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* G.P.O. Box 3433

*City:* San Juan

*State:* PR 00936

*Country:* United States of America

*License No:*

*Name Number:* 006306

**DBA: Express Forwarding and Storage Co., Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 19 Rector Street

*City:* New York

*State:* NY 10006

*Country:* United States of America

*License No:*

*Name Number:* 001270

**DBA: Expressvan International, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 19 Rector Street

*City:* New York

*State:* NY 10006

*Country:* United States of America

*License No:*

*Name Number:* 001272

**DBA: Far East Freight, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 79-11 41st Ave

*City:* Elmhurst

*State:* NY 11373

*Country:* United States of America

*License No:*

*Name Number:* 005730

**DBA: Fast International Transportation**

*Person Types:* Non-vessel operating common carrier

*Street:* 147-39 75th Street Suite 215

*City:* Jamaica

*State:* NY 11434

*Country:* United States of America

*License No:*

*Name Number:* 000410

**DBA: Fastainer Line**

*Person Types:* Non-vessel operating common carrier

*Street:* 14814 S. Drexel Avenue

*City:* Dolton

*State:* IL 60419

*Country:* United States of America

*License No:*

*Name Number:* 006752

**DBA: FEMTCO**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 691

*City:* San Francisco

*State:* CA 94105

*Country:* United States of America

*License No:*

*Name Number:* 001777

**DBA: First International Shipping Co.**

*Person Types:* Non-vessel operating common carrier

*Street:* 4211 Maine Trail

*City:* Crystal Lake

*State:* IL 60014

*Country:* United States of America

*License No:*

*Name Number:* 001783

**DBA: Flota Bananera Ecuatoriana S.A.**

*Person Types:* Controlled carrier

*Street:* P. Icaza 437, Edificio Atahualpa, 9th Floor

*City:* Guayaquil

*State:*

*Country:* Ecuador

*License No:*

*Name Number:* 000414

**DBA: Flota de Quimicos, C.A. (Floquim)**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Nucleo A. Piso 13 of 131 A

*City:* Caracas

*State:*

*Country:* Venezuela

*License No:*

*Name Number:* 001788

**DBA: Flumar Paraguay, S.A.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Calle TTE. V. Kanonnikoff 998

*City:* Asuncion

*State:*

*Country:* Paraguay

*License No:*

*Name Number:* 001785

**DBA: Freightmasters, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 264

*City:* Mount Prospect

*State:* IL 60056

*Country:* United States of America

*License No:*

*Name Number:* 000436

**DBA: Freshpro Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 125 West 4th Street, Suite 213

*City:* Los Angeles

*State:* CA 90013

*Country:* United States of America

*License No:*

*Name Number:* 002163



**DBA: Fujian Shipping Co.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 79 Zhong Ping Rd.  
*City:* Fuzhou, Fujian Province  
*State:*  
*Country:* People's Republic of China  
*License No:*  
*Name Number:* 006972

**DBA: G & E United Cargo Consolidator**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 2322 Bryant Street  
*City:* San Francisco  
*State:* CA 94110  
*Country:* United States of America  
*License No:*  
*Name Number:* 006251

**DBA: Galloway Transport Services**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 9055 SW. 87th Avenue—Suite  
 33176  
*City:* Miami  
*State:* FL  
*Country:* United States of America  
*License No:*  
*Name Number:* 000454

**DBA: Gasmar S.A.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 25 de Mayo 444 Piso 4  
*City:* Montevideo  
*State:*  
*Country:* Uruguay  
*License No:*  
*Name Number:* 000456

**DBA: Gaydem Marine Systems Ltd.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 191 Route de Delmas,  
 Coindelmaz 25  
*City:* Port-au-Prince  
*State:*  
*Country:* Haiti  
*License No:*  
*Name Number:* 000458

**DBA: German American Line S.A.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 119 Via Espana  
*City:* Panama City  
*State:*  
*Country:* Republic of Panama  
*License No:*  
*Name Number:* 000468

**DBA: Global Express Lines Sebang  
 (Global) Enterprises, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 17 Battery Place, Suite 2043  
*City:* New York  
*State:* NY 10004  
*Country:* United States of America  
*License No:*  
*Name Number:* 006751

**DBA: Global Reffer Carrier, Inc.**

*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 3701 N.W. South River Drive  
*City:* Miami  
*State:* FL 33142  
*Country:* United States of America  
*License No:*  
*Name Number:* 006974

**DBA: Globex Contract Carrier**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 1 Tudor Circle  
*City:* Yorktown  
*State:* NY 10598  
*Country:* United States of America  
*License No:*  
*Name Number:* 006743

**DBA: Glodevan International Transport,  
 Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 110 W. Ocean Blvd., Suite 512  
*City:* Long Beach  
*State:* CA 90802  
*Country:* United States of America  
*License No:*  
*Name Number:* 002783

**DBA: Goldstar Line Limited**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* Suite 2, Weate Trading Estate,  
 Liverpool St.  
*City:* Weaste, Salford M6 5RL United  
 Kingdom  
*State:*  
*Country:* Great Britian  
*License No:*  
*Name Number:* 005889

**DBA: Gorthon Lines**  
*Person Types:* Ocean common carrier  
 (vessel Operating)  
*Street:* Gorthons Rederi A/B  
*City:* Helsingborg  
*State:*  
*Country:* Sweden  
*License No:*  
*Name Number:* 000475

**DBA: Guam Shipping Lnes, Inc. .**  
*Person Types:* Ocean common carrier  
 (vessel operating) Agent—filing  
*Street:* 220 East Marine Drive  
*City:* Agana  
*State:* 96910  
*Country:* Guam,  
*License No:*  
*Name Number:* 005893

**DBA: Gulf Stream Line**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 20 Stone Street  
*City:* New York  
*State:* NY 10004  
*Country:* United States of America  
*License No:*  
*Name Number:* 006253

**DBA: Guystar International Shipping &  
 Trading Co.**

*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 146 Stuyvesant Avenue  
*City:* Newark  
*State:* NY 07106  
*Country:* United States of America  
*License No:*  
*Name Number:* 005859

**DBA: Hafskip Ltd.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 66 Reade Street  
*City:* New York  
*State:* NY 10007  
*Country:* United States of America  
*License No:*  
*Name Number:* 001420

**DBA: Hanibal Lines, S.A.**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* 8811 NW. 23rd Street  
*City:* Miami  
*State:* FL 33126  
*Country:* United States of America  
*License No:*  
*Name Number:* 001424

**DBA: Hency Transportations, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 10840 S. La Cienega Blvd.  
*City:* Inglewood  
*State:* CA 90304  
*Country:* United States of America  
*License No:*  
*Name Number:* 005844

**DBA: Heritage Airfreight, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier  
*Street:* 113 Sierra Street  
*City:* El Segundo  
*State:* CA 90245  
*Country:* United States of America  
*License No:*  
*Name Number:* 005848

**DBA: Horn-Line**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Baumwall 3, 2000 Hamborg 11  
*City:* West Germany  
*State:*  
*Country:* German Federal Republic  
 (West)  
*License No:*  
*Name Number:* 005696

**DBA: Ibero Lines**  
*Person Types:* Ocean common carrier  
 (vessel operating)  
*Street:* Joaquin, Costa #36  
*City:* Madrid  
*State:*  
*Country:* Spain  
*License No:*  
*Name Number:* 001578

**DBA: Imporex, Inc.**  
*Person Types:* Non-vessel operating  
 common carrier



Street: 33 Broad Street, Suite 330  
 City: Boston  
 State: MA 02109  
 Country: United States of America  
 License No:  
 Name Number: 001327  
**DBA: Inland Freight Lines**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 707  
 City: Orange  
 State: CA 92666  
 Country: United States of America  
 License No:  
 Name Number: 01396  
**DBA: Inter Oceanic Freight, S.A.**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 20310  
 City: Santo Domingo  
 State:  
 Country: Dominican Republic  
 License No:  
 Name Number: 005944  
**DBA: Inter-Trade Shipping, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 5099  
 City: Hialeah  
 State: FL 33014  
 Country: United States of America  
 License No:  
 Name Number: 005697  
**DBA: Intercontinent Express, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 714 So. Isis Avenue  
 City: Inglewood  
 State: CA 90301  
 Country: United States of America  
 License No:  
 Name Number: 001340  
**DBA: Intercontinental Marine Lines**  
 Person types: Ocean common carrier (vessel operating)  
 Street: 410 Severn Avenue, Suite #312  
 City: Annapolis  
 State: MD 21403  
 Country: United States of America  
 License No:  
 Name Number: 001342  
**DBA: Intercontinental Maritima, S.A.**  
 Person types: Ocean common carrier (vessel operating)  
 Street: Zepita 268 of 602  
 City: Casilla 4, Callao  
 State:  
 Country: Peru  
 License No:  
 Name Number: 001343  
**DBA: International Freight Services**  
 Person types: Ocean freight forwarder (independent) Non-vessel operating common carrier  
 Street: 161 Prescott St  
 City: East Boston  
 State: MA 02128

Country: United States of America  
 License No: 2614  
 Name Number: 006561  
**DBA: International Services**  
 Person types: Non-vessel operating common carrier  
 Street: P.O. Box 610903  
 City: DFW Airport  
 State: TX 75261  
 Country: United States of America  
 License No:  
 Name Number: 005906  
**DBA: International Shipping Company, The**  
 Person types: Non-vessel operating common carrier  
 Street: 5550 Friendship Boulevard, #250  
 City: Chevy Chase  
 State: MD 20815  
 Country: United States of America  
 License No:  
 Name Number: 001372  
**DBA: International Success Corporation**  
 Person types: Non-vessel operating common carrier  
 Street: 6041 West Imperial Highway  
 City: Los Angeles  
 State: CA 90045  
 Country: United States of America  
 License No:  
 Name Number: 007063  
**DBA: International Transportation Network, Inc.**  
 Person types: Non-vessel operating common carrier  
 Street: 2340 South El Camino Real, Suite 14  
 City: San Clemente  
 State: CA 92672  
 Country: United States of America  
 License No:  
 Name Number: 006748  
**DBA: Intra-Modal Systems Co.**  
 Person types: Non-vessel operating common carrier  
 Street: P.O. Box 3937  
 City: Savannah  
 State: GA 31404  
 Country: United States of America  
 License No:  
 Name Number: 001380  
**DBA: Island Line Shipping Co., Ltd.**  
 Person types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 21310  
 City: Ft. Lauderdale  
 State: FL 33335  
 Country: United States of America  
 License No:  
 Name Number: 006986  
**DBA: Island Shipping Ltd.**  
 Person types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 680  
 City: Grand Cayan BWI  
 State:  
 Country: Cayman Islands

License No:  
 Name Number: 001385  
**DBA: Island Trade Shipping Line, S.A.**  
 Person types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 1824  
 City: Panama 1  
 State:  
 Country: Republic of Panama  
 License No:  
 Name Number: 001386  
**DBA: J L S International Corp.**  
 Person types: Non-vessel operating common carrier  
 Street: 13011 Old Hickory Blvd. Room 210  
 City: Antioch  
 State: TN 37013  
 Country: United States of America  
 License No:  
 Name Number: 005874  
**DBA: J.F.T. Container Lines**  
 Person Types: Non-vessel operating common carrier  
 Street: 625 1st Avenue  
 City: Seattle  
 State: WA 98104  
 Country: United States of America  
 License No.:  
 Name Number: 005865  
**DBA: J.C.T. Benelux B.V.**  
 Person Types: Non-vessel operating common carrier  
 Street: Waalhaven Z.Z. 6-3088 HH  
 City: Rotterdam  
 State:  
 Country: The Netherlands, Holland  
 License No:  
 Name Number: 006749  
**DBA: Jeco Shipping International, N.V.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: G.W. Burgerplein 5-7 3021 AS  
 City: Postbus 1041-3000 BA, Rotterdam  
 State:  
 Country: The Netherlands, Holland  
 License No:  
 Name Number: 001409  
**Jepsen International**  
 Person Types: Non-vessel operating common carrier  
 Street: 1000 N. Villa Avenue  
 City: Villa Park  
 State: IL 60181  
 Country: United States of America  
 License No:  
 Name Number: 001412  
**DBA: Key Kargo Container Service Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 145 Hook Creek Blvd., Bldg. 1A North  
 City: Valley Stream  
 State: NY 11581  
 Country: United States of America  
 License No:



- Name Number:** 005694  
**DBA:** Koclug Line  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** P.O. Box 884-Karakoy  
**City:** Istanbul  
**State:**  
**Country:** Turkey  
**License No:**  
**Name Number:** 001480  
**DBA:** Kotobuki U.S.A. Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** 9500 Westview—Suite 101  
**City:** Houston  
**State:** TX 77055  
**Country:** United States of America  
**License No:**  
**Name Number:** 005745  
**DBA:** L.C.L. Incorporated  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** 1 World Trade Center, Suite 2045  
**City:** New York  
**State:** NY 10048  
**Country:** United States of America  
**License No:**  
**Name Number:** 001580  
**DBA:** L.V.V.—Valdez Line  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** Prospero, 330  
**City:** Iquitos  
**State:**  
**Country:** Peru  
**License No:**  
**Name Number:** 001581  
**DBA:** La Rosta Del Monte Express, Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** 5132 NW. 17th Avenue  
**City:** Miami  
**State:** FL 33142  
**Country:** United States of America  
**License No:**  
**Name Number:** 001588  
**DBA:** Landal Container Service Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** 45 John Street—Suite 1200  
**City:** New York  
**State:** NY 10038  
**Country:** United States of America  
**License No:**  
**Name Number:** 005916  
**DBA:** Laser Cargo Services, Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** 7240 NW. 36th Court  
**City:** Miami  
**State:** FL 33147  
**Country:** United States of America  
**License No:**  
**Name Number:** 001589  
**DBA:** Liberty Lines, Ltd.  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** P.O. Box 62048  
**City:** Houston  
**State:** TX 77205  
**Country:** United States of America  
**License No:**  
**Name Number:** 006976  
**DBA:** Line Manaure C.A.  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** Maturin a Santa Barbara 38  
**City:** Caracas 101  
**State:**  
**Country:** Venezuela  
**License No:**  
**Name Number:** 001606  
**DBA:** Lineas del Caribe  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** P.O. Box 2071  
**City:** Barranquilla  
**State:**  
**Country:** Colombia  
**License No:**  
**Name Number:** 006979  
**DBA:** Litrac B.V.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** Bevrijdingsweg 114 5915 PL  
**City:** Postbus 680 5900 AR VENLO  
**State:**  
**Country:** The Netherlands, Holland  
**License No:**  
**Name Number:** 001611  
**DBA:** Long Wing Express Ltd.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** P.O. Box 55-803 Taipei  
**City:** No. 5 Lane 43, Shuang St. Taipei  
 10465 Taiwan  
**State:**  
**Country:** People's Republic of China  
**License No:**  
**Name Number:** 005917  
**DBA:** Lorry, Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** P.O. Box 81247  
**City:** Atlanta  
**State:** GA 30366  
**Country:** United States of America  
**License No:**  
**Name Number:** 001621  
**DBA:** Lyon Worldwide Shipping, Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** P.O. Box 4167  
**City:** Bellevue  
**State:** WA 98009  
**Country:** United States of America  
**License No:**  
**Name Number:** 006742  
**DBA:** Lyons Transport, Inc.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** First Avenue and Joilet Rd.  
**City:** McCook  
**State:** IL 60525  
**Country:** United States of America  
**License No:**  
**Name Number:** 001630  
**DBA:** M.E.A.L./W.E.C.  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** 1 Edgewater Plaza  
**City:** Staten Island  
**State:** NY 10305  
**Country:** United States of America  
**License No:**  
**Name Number:** 001636  
**DBA:** M.L.S. Maritime Logistic Services  
 SA  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** BD Perolles 1 P.O. Box 587  
**City:** 1600 Fribourg  
**State:**  
**Country:** Switzerland  
**License No:**  
**Name Number:** 001632  
**DBA:** Magnolia Shipping Co.  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** P.O. Box 3083  
**City:** Mobile  
**State:** AL 36652  
**Country:** United States of America  
**License No:**  
**Name Number:** 005953  
**DBA:** Majestic Line Venezolana, C.A.  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** Avenida Mirada Cruce Con Paez  
 Porlamar  
**City:** Isla Margarita  
**State:**  
**Country:** Venezuela  
**License No:**  
**Name Number:** 001642  
**DBA:** Malaysian Intl. Shipping  
 Corporation Berhad  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** 2nd Floor, WISMA M.I.S.C. No. 2  
 Jolan Colony  
**City:** Kuala Lumpur, Peninsular  
 Malaysia  
**State:**  
**Country:** Malaysia  
**License No:**  
**Name Number:** 001644  
**DBA:** Mantraco Limited  
**Person Types:** Non-vessel operating  
 common carrier  
**Street:** 34 Chang An East Rd. Sec. 2  
**City:** Taipei 104  
**State:**  
**Country:** People's Republic of China  
**License No:**  
**Name Number:** 005950  
**DBA:** Mar Azul Motorships, Inc.  
**Person Types:** Ocean common carrier  
 (vessel operating)  
**Street:** 3701 N.W. South River Drive



City: Miami  
 State: FL 33142  
 Country: United States of America  
 License No:  
 Name Number: 001647  
**DBA: Marbrac International**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 27 Avenue S  
 City: Brooklyn  
 State: NY 11223  
 Country: United States of America  
 License No:  
 Name Number: 001651  
**DBA: Marcella Shipping Company**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 31 North Southriver Dr.  
 City: Miami  
 State: FL 33128  
 Country: United States of America  
 License No:  
 Name Number: 006981  
**DBA: Marine Container Line Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1010 Knox Street  
 City: Torrance  
 State: CA 90502  
 Country: United States of America  
 License No:  
 Name Number: 001663  
**DBA: Mariner Container Line Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1010 Knox Street  
 City: Torrance  
 State: CA 90502  
 Country: United States of America  
 License No:  
 Name Number: 006739  
**DBA: Marinex Shipping Lines, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 746 Birginal Drive  
 City: Bensenville  
 State: IL 60106  
 Country: United States of America  
 License No:  
 Name Number: 001664  
**DBA: Marininvest Funds S.A. Dominican Ferries**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Gustavo Mejia Ricart No. 80, Ens  
 Piantina  
 City: Santo Domingo  
 State:  
 Country: Dominican Republic  
 License No:  
 Name Number: 005857  
**DBA: Maritima Aquatran, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 68-23 Fulton  
 City: Houston  
 State: TX 77022

Country: United States of America  
 License No:  
 Name Number: 001667  
**DBA: Maritimas Eslatt, CIA.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Camilo Eslait P.O. Box 2071  
 City: Barranquilla  
 State:  
 Country: Colombia  
 License No:  
 Name Number: 001669  
**DBA: Maritime Company of the Pacific**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1441 Kapiolani Blvd., Suite 905-A  
 City: Honolulu  
 State: HI 96814  
 Country: United States of America  
 License No:  
 Name Number: 001671  
**DBA: Maritime Logistics, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 9021 Gaylord Street  
 City: Houston  
 State: TX 77024  
 Country: United States of America  
 License No:  
 Name Number: 005945  
**DBA: Marshall Islands Maritime Company, Inc.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: P.O. Box 2, Majuro  
 City: Marshall Islands 96960  
 State:  
 Country: Pacific Isles: Marshall,  
 Carolines, Marianas  
 License No:  
 Name Number: 001681  
**DBA: MAT Line**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: P.O. Box 251, Arnold House 36/  
 41 Holywll LN.  
 City: London EC2P 2EQ  
 State:  
 Country: Great Britain  
 License No:  
 Name Number: 001684  
**DBA: Mayaca Shipping Co. Ltd.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Rte 1, 8262 35th St. So.  
 City: Lakeworth  
 State: FL 33467  
 Country: United States of America  
 License No:  
 Name Number: 002266  
**DBA: Med Express Lines Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 160 Broadway—9th Floor  
 City: New York  
 State: NY 10038  
 Country: United States of America

License No:  
 Name Number: 001692  
**DBA: Med Lakes Line**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 233 N. Michigan Avenue  
 City: Chicago  
 State: IL 60601  
 Country: United States of America  
 License No:  
 Name Number: 001693  
**DBA: Medafrika Line**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 22 Cortlandt Street  
 City: New York  
 State: NY 10007  
 Country: United States of America  
 License No:  
 Name Number: 001694  
**DBA: Medite Shipping Company (UK) Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: Suite 11, Orwell House, Ferry  
 Land  
 City: Felixstowe, Suffolk  
 State:  
 Country: England  
 License No:  
 Name Number: 005947  
**DBA: Mediterranean Container Line**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 266 Kellogg Street  
 City: Port Newark  
 State: NJ 07114  
 Country: United States of America  
 License No:  
 Name Number: 005949  
**DBA: Medtrain Mediterranean Shipping GMBH & CO. KG**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 160 Broadway—9th Floor  
 City: New York  
 State: NY 10038  
 Country: United States of America  
 License No:  
 Name Number: 001700  
**DBA: Megna Transportation Company**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: P.O. Box 540  
 City: Newport  
 State: KY 41071  
 Country: United States of America  
 License No:  
 Name Number: 001701  
**DBA: Mercator Internatl. Frt. (H.K.) Ltd.**  
 Person Types: Non-vessel operating  
 carrier  
 Street: 88-91 Gloucester Road  
 City: China Underwriters Bldg.  
 State:  
 Country: Hong Kong



License No:  
 Name Number: 005960  
**DBA: Merchants North American Shipping Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 400 Rue St. Vincent  
 City: Montreal  
 State:  
 Country: Canada  
 License No:  
 Name Number: 006984  
**DBA: Mermaid Ocean Systems, Incorporated**  
 Person Types: Non-vessel operating common carrier  
 Street: 161 Prescott Street  
 City: East Boston  
 State: MA 02128  
 Country: United States of America  
 License No:  
 Name Number: 001710  
**DBA: MES Container Service, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 4000 West Jefferson  
 City: Detroit  
 State: MI 48209  
 Country: United States of America  
 License No:  
 Name Number: 001712  
**DBA: Meteoro Express, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 522412  
 City: Miami  
 State: FL 33152  
 Country: United States of America  
 License No:  
 Name Number: 001716  
**DBA: Mex Carib Line**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 2305 Veterans Memorial Blvd. Suite G  
 City: Metairie  
 State: LA 70002  
 Country: United States of America  
 License No:  
 Name Number: 006977  
**DBA: Micro-Bridge Consolidators Ltd.**  
 Person Types: Non-vessel operating common carrier  
 Street: 1000 Tung Shun Hing Commercial Center  
 City: 20-20A Granville Road, Kowloon  
 State:  
 Country: Hong Kong  
 License No:  
 Name Number: 005958  
**DBA: Micronesia Transport Line**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: Underwood House, 37-49 Pitt Street  
 City: Sydney N.S.W. 2000  
 State:

Country: Australia  
 License No:  
 Name Number: 002790  
**DBA: Midwest Ocean Lines**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 12800 Butler Drive  
 City: Chicago  
 State: IL 60633  
 Country: United States of America  
 License No:  
 Name Number: 001721  
**DBA: MISR Shipping Company**  
 Person Types: Controlled carrier  
 Street: No. 6 El Horria Avenue, P.O. Box 2381  
 City: Alexandria  
 State:  
 Country: Egypt  
 License No:  
 Name Number: 001727  
**DBA: Mortensen & Lange**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: Strandvejen 32D  
 City: DK 2100 Copenhagen Oe Denmark  
 State:  
 Country: Denmark  
 License No:  
 Name Number: 001738  
**DBA: MOS Line**  
 Person Types: Non-vessel operating common carrier  
 Street: 90 Broad Street Suite 23  
 City: New York  
 State: NY 10004  
 Country: United States of America  
 License No:  
 Name Number: 005967  
**DBA: Moulton Shipping Line, Limited, The**  
 Person Types: Non-vessel operating common carrier  
 Street: 15 Pietermaai  
 City: Curacao  
 State:  
 Country: Netherlands Antilles  
 License No:  
 Name Number: 001740  
**DBA: MPC Transmodal Line**  
 Person Types: Non-vessel operating common carrier  
 Street: RM 1201, 12th Floor, No. 246 Sec. 2, Chang An E. Rd.  
 City: Taipei  
 State:  
 Country: Taiwan  
 License No:  
 Name Number: 006706  
**DBA: MPC Transtainer Line**  
 Person Types: Non-vessel operating common carrier  
 Street: RM 1201, 12th Floor No. 246 Sec. 2, Chang An E. Rd.  
 City: Taipei  
 State:  
 Country: Taiwan

License No:  
 Name Number: 006705  
**DBA: Nantai Line Co., Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 450 Sansome Street, Suite 400  
 City: San Francisco  
 State: CA 94111  
 Country: United States of America  
 License No:  
 Name Number: 006143  
**DBA: NATA Shipping Corporation**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: c/o Sancol Shipping Corp. 17804 S.W. 83 Court  
 City: Miami  
 State: FL 33157  
 Country: United States of America  
 License No:  
 Name Number: 006641  
**DBA: NATCO Internationale Transporte AG**  
 Person Types: Non-vessel operating common carrier  
 Street: Postfach 281  
 City: 8036 Zurich  
 State:  
 Country: Switzerland  
 License No:  
 Name Number: 001499  
**DBA: National Shipping Company of Saudi Arabia**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 8931  
 City: Riyadh  
 State:  
 Country: Saudi Arabia  
 License No:  
 Name Number: 001497  
**DBA: Nauru Pacific Line**  
 Person Types: Controlled carrier  
 Street: 80 Collins Street  
 City: Melbourne, Victoria  
 State:  
 Country: Australia  
 License No:  
 Name Number: 001503  
**DBA: Nautical Services Corporation**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 2950  
 City: Freeport  
 State: TX 77541  
 Country: United States of America  
 License No:  
 Name Number: 001505  
**DBA: Naviera Amazonica Peruana, S.A.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 911, 10 PISO-AV. Inca Garcilaso de la Vega  
 City: Lima  
 State:  
 Country: Peru



**License No:**  
**Name Number:** 001508  
**DBA:** Naviera Cumboto, S.A.  
**Person Types:** Non-vessel operating common carrier  
**Street:** Zona Postal 2024, Apartado 298  
**City:** Puerto Cabello  
**State:**  
**Country:** Venezuela  
**License No:**  
**Name Number:** 002786  
**DBA:** Naviera del Pacifico  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** El Oro No. 101  
**City:** Guayaquil  
**State:**  
**Country:** Ecuador  
**License No:**  
**Name Number:** 001514  
**DBA:** Naviera Guayana C.A.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** De Bello Monte, 1 PISO OFC. 9  
**City:** Caracas 1050  
**State:**  
**Country:** Venezuela  
**License No:**  
**Name Number:** 001516  
**DBA:** Naviera Mercante C.A.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** P.O. Box S-2367  
**City:** San Juan  
**State:** PR 00903  
**Country:** United States of America  
**License No:**  
**Name Number:** 001526  
**DBA:** Naviera Multinacional del Caribe S.A.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** P.O. Box 10095  
**City:** San Jose  
**State:**  
**Country:** Costa Rica  
**License No:**  
**Name Number:** 001517  
**DBA:** Naviera Nicaraguense, S.A.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** P.O. Box 3523  
**City:** Managua  
**State:**  
**Country:** Nicaragua  
**License No:**  
**Name Number:** 001520  
**DBA:** Naviera Paschold, S.A.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:**  
**City:** San Antonio  
**State:**  
**Country:** Chile  
**License No:**  
**Name Number:** 006145  
**DBA:** Navieria Transpapel, C.A.

**Person Types:** Ocean common carrier (vessel operating)  
**Street:** Centro Parque Boyaca-Edif. Centro Piso 111 Av. Surce Los do Caminos  
**City:** Caracas 1071  
**State:**  
**Country:** Venezuela  
**License No:**  
**Name Number:** 006181  
**DBA:** Navimerca Internacional, C.A. Navinca  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** Ave. Luis Roche, Edificio Universal—Piso 4 Oficina #404  
**Altamira**  
**City:** Caracas  
**State:**  
**Country:** Venezuela  
**License No:**  
**Name Number:** 006139  
**DBA:** Nefertiti Line  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:**  
**City:** Alexandria  
**State:**  
**Country:** Egypt  
**License No:**  
**Name Number:** 006961  
**DBA:** Nissho Shipping Co., Ltd.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** No. 33 Mori Bldg. 8-21, Toranomom 3-Chome  
**City:** Minato-Ku, Tokyo  
**State:**  
**Country:** Japan  
**License No:**  
**Name Number:** 001551  
**DBA:** North Africa Navigation, Ltd.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** P.O. Box N624  
**City:** Nassau  
**State:**  
**Country:** Bahama Islands  
**License No:**  
**Name Number:** 001560  
**DBA:** North American West African Line  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** India Buildings, Water Street  
**City:** Liverpool 2  
**State:**  
**Country:** Great Britain  
**License No:**  
**Name Number:** 001528  
**DBA:** North Andros Shipping, Ltd.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** Lowe Sound  
**City:** Andros  
**State:**  
**Country:** Bahama Islands

**License No:**  
**Name Number:** 001562  
**DBA:** Novo International Express Corp.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 11930 SW. 35th Street  
**City:** Miami  
**State:** FL  
**Country:** United States of America  
**License No:**  
**Name Number:** 001568  
**DBA:** Nuasa (Florida) Express Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 16201 SW. 95 Avenue  
**City:** Miami  
**State:** FL 33157  
**Country:** United States of America  
**License No:**  
**Name Number:** 001569  
**DBA:** NYCO-American, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 217 NW. 1 Avenue  
**City:** Hillandale  
**State:** FL 33009  
**Country:** United States of America  
**License No:**  
**Name Number:** 001572  
**DBA:** NYTA International Corporation  
**Person Types:** Non-vessel operating common carrier  
**Street:** 1328 Broadway, Suite 603  
**City:** New York  
**State:** NY 10001  
**Country:** United States of America  
**License No:**  
**Name Number:** 006183  
**DBA:** O T Africa Line  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** Cutler Street  
**City:** London E1 7DU  
**State:**  
**Country:** Great Britain  
**License No:**  
**Name Number:** 000876  
**DBA:** Ocean Contract Carriers (O.C.C.), Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 11 Park Place, Suite 612  
**City:** New York  
**State:** NY 10007  
**Country:** United States of America  
**License No:**  
**Name Number:** 001281  
**DBA:** Ocean Freight Systems, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 8496 NW. 61st Street  
**City:** Miami  
**State:** FL 33166  
**Country:** United States of America  
**License No:**  
**Name Number:** 001284



**DBA: Ocean Shipping Limited**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:*

*City:* Hamilton

*State:*

*Country:* Bermuda

*License No:*

*Name Number:* 006811

**DBA: Ocean Systems International**

*Person Types:* Non-vessel operating  
common carrier

*Street:* P.O. Box 451

*City:* Cranford

*State:* NJ 07016

*Country:* United States of America

*License No:*

*Name Number:* 001287

**DBA: Ocean-Air Container Service**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 547 West 26th Street

*City:* New York

*State:* NY 10001

*Country:* United States of America

*License No:*

*Name Number:* 001278

**DBA: Oceania Line, Inc.**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* P.O. Box 170

*City:* Saipan, M.I.

*State:*

*Country:* United States of America

*License No:*

*Name Number:* 006812

**DBA: Omega Shipping N.V.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* Huidevettersstraat, 8-B-2000

*City:* Antwerp, Belgium

*State:*

*Country:* Belgium

*License No:*

*Name Number:* 006767

**DBA: Omnitrainer**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 111 Broadway, 17th floor

*City:* New York

*State:* NY 10006

*Country:* United States of America

*License No:*

*Name Number:* 001295

**DBA: Overseas Consolidators Company**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 5730 Arbor Vitae

*City:* Los Angeles

*State:* CA 90045

*Country:* United States of America

*License No:* Name Number: 001305

**DBA: Overseas Container Forwarding, Inc.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 1774 W. 5th Ave.

*City:* Vancouver, British Columbia V6J 1P2

*State:*

*Country:* Canada

*License No:* Name Number: 001306

**DBA: Overseas Container System, Inc.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 2701 Lakeside Avenue

*City:* Cleveland

*State:* OH 44114

*Country:* United States of America

*License No:* Name Number: 001307

**DBA: Overseas Maritime Carriers**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* Kaeiser Straat 22

*City:* Antwerp

*State:*

*Country:* Belgium

*License No:* Name Number: 001309

**DBA: Overseas Shipping & Transportation, Inc.**

*Person Types:* Non-Vessel operating  
common carrier

*Street:* P.O. Box 90654

*City:* Los Angeles

*State:* CA 90009

*Country:* United States of America

*License No:* Name Number: 001311

**DBA: Pacific & Atlantic Lines, Inc.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 19 Rector Street

*City:* New York

*State:* NY 10006

*Country:* United States of America

*License No:* Name Number: 007062

**DBA: Pacific Common Carrier Line**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* 39-8, 2-Chome Nishi-Shinbashi  
Minato-Ku

*City:* Tokyo

*State:*

*Country:* Japan

*License No:* Name Number: 00971

**DBA: Pacific New Guinea Line**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* World Trade Center Suite 297

*City:* San Francisco

*State:* CA 94111

*Country:* United States of America

*License No:* Name Number: 006594

**DBA: Panatlantic U.S.A., Inc.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 336 Summer Ridge Drive

*City:* St. Charles

*State:* MO 63303

*Country:* United States of America

*License No:* Name Number: 006733

**DBA: Parklines**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* Rue St. Pierre 30

*City:* CH-1700 Fribourg

*State:*

*Country:* Switzerland

*License No:* Name Number: 001001

**DBA: Parling Shipping Co.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* P.O. Box 22055

*City:* Long Beach

*State:* CA 90801

*Country:* United States of America

*License No:* Name Number: 001002

**DBA: Penn Yan Express, Inc.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 100 West Lake Road

*City:* Penn Yan

*State:* NY 14527

*Country:* United States of America

*License No:* Name Number: 006734

**DBA: Peralta Westward Line**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* 80 Broad Street

*City:* Monrovia

*State:*

*Country:* Liberia

*License No:*

*Name Number:* 001010

**DBA: Phoenix International Container Services**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 1812 Elmhurst Road

*City:* Elk Grove Village

*State:* IL 60007

*Country:* United States of America

*License No:*

*Name Number:* 001016

**DBA: Pococa Consolidators (H.K.) Ltd.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* World Finance Center, North

*Tower Room 1701*

*City:* Harbour City, Kowloon

*State:*

*Country:* Hong Kong

*License No:*

*Name Number:* 006735

**DBA: Premier Container Line**

*Person Types:* Ocean common carrier  
(vessel operating)

*Street:* 2100 Travis St. Suite 1300

*City:* Houston

*State:* TX 77002

*Country:* United States of America

*License No:*

*Name Number:* 002228

**DBA: Primary International Export Corp.**

*Person Types:* Non-vessel operating  
common carrier

*Street:* 330 East 39th Street-Suite 15B

*City:* New York

*State:* NY 10016

*Country:* United States of America

*License No:*



Name Number: 001036  
**DBA: Prime Carriers, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 6300 N.W. 84th Avenue  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No:  
 Name Number: 001037  
**DBA: Progressive Ocean Line**  
 Person Types: Non-vessel operating common carrier  
 Street: 700 First Street  
 City: Harrison  
 State: NJ 07029  
 Country: United States of America  
 License No:  
 Name Number: 001039  
**DBA: Project Shipping, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 1800 Augusta, Suite 128  
 City: Houston  
 State: TX 77057  
 Country: United States of America  
 License No:  
 Name Number: 006123  
**DBA: Proodos Marine Carriers**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: Bouboulinas 47-49  
 City: Piraeus  
 State:  
 Country: Greece  
 License No:  
 Name Number: 001041  
**DBA: Prosales Transport Carrier**  
 Person Types: Non-vessel operating common carrier  
 Street: 2050 Center Avenue, Suite 302  
 City: Fort Lee  
 State: NJ 07024  
 Country: United States of America  
 License No:  
 Name Number: 006168  
**DBA: Prudential Lines, Inc.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: One World Trade Center, Suite 3701  
 City: New York  
 State: NY 10048  
 Country: United States of America  
 License No:  
 Name Number: 001042  
**DBA: Puerto Rico Freight System, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 9081  
 City: Santurce  
 State: PR 00905  
 Country: Puerto Rico  
 License No:  
 Name Number: 006313  
**DBA: Puerto Rico Marine Distribution**  
 Person Types: Non-vessel operating common carrier

Street: 1521 Green Oak Place Suite 204A  
 City: Kingwood  
 State: TX 77339  
 Country: United States of America  
 License No:  
 Name Number: 002270  
**DBA: Quality Transportation Company**  
 Person Types: Non-vessel operating common carrier  
 Street: G.P.O. Box 202  
 City: San Juan  
 State: PR 00936  
 Country: United States of America  
 License No:  
 Name Number: 006343  
**DBA: Quinto Shipping Company, Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 61  
 City: Belize City  
 State:  
 Country: Belize  
 License No:  
 Name Number: 001579  
**DBA: R.G. Curbelo**  
 Person Types: Non-vessel operating common carrier  
 Street: 8496 NW, 61st Street  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No:  
 Name Number: 006070  
**DBA: Ramon C. Ungco**  
 Port Jersey Shipping Industries  
 Person Types: Non-vessel operating common carrier  
 Street: 123 Van Winkle Avenue  
 City: Jersey City  
 State: NJ 07306  
 Country: United States of America  
 License No:  
 Name Number: 005780  
**DBA: Reardon Export (Ocean) Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 107  
 City: East Boston  
 State: MA 02128  
 Country: United States of America  
 License No:  
 Name Number: 000860  
**DBA: Red Oak Industries Ltd., Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: Box J  
 City: Blairstown  
 State: NJ 07825  
 Country: United States of America  
 License No:  
 Name Number: 000861  
**DBA: Red Sea Navigation Line**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 26 Broadway  
 City: New York  
 State: NY 10004

Country: United States of America  
 License No:  
 Name Number: 000862  
**DBA: Reliance Shipping Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 473 Putnam Avenue  
 City: Brooklyn  
 State: NY 12111  
 Country: United States of America  
 License No:  
 Name Number: 000868  
**DBA: Rexco Lines**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 4600 Duke Street, Suite 310  
 City: Alexandria  
 State: VA 22304  
 Country: United States of America  
 License No:  
 Name Number: 000871  
**DBA: Rocci Corporation**  
 Person Types: Non-vessel operating common carrier  
 Street: 5111 Leesburg Pike, Suite 100  
 City: Falls Church  
 State: VA 22041  
 Country: Japan  
 License No:  
 Name Number: 005719  
**DBA: ROF Express Ltd.**  
 Person Types: Non-vessel operating common carrier  
 Street: Flat 8, Newport Centre 2/F, 116 MA Tau Kok Road  
 City: Tokwawan, Kowloon  
 State:  
 Country: Hong Kong  
 License No:  
 Name Number: 006726  
**DBA: Rohde & Liesenfeld, Inc. Windrose Line**  
 Person Types: Non-vessel operating common carrier  
 Street: One World Trade Center—Suite 8345  
 City: New York  
 State: NY 10048  
 Country: United States of America  
 License No:  
 Name Number: 000879  
**DBA: Royal Hawaiian Forwarding**  
 Person Types: Non-vessel operating common carrier  
 Street: 14300 East 183rd Street  
 City: La Palma  
 State: CA 90623  
 Country: United States of America  
 License No:  
 Name Number: 000885  
**DBA: Rush International Electric & Shipping Co. Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 1520 West 7th Street  
 City: Los Angeles



State: CA 90017  
 Country: United States of America  
 License No:  
 Name Number: 001750  
**DBA: Sagawa Express International Co., Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: Shuwz Hamamatswcho Ekimae Bldg. 2-5-4 Hamamatswcho Minato-ku  
 City: Tokyo 105  
 State:  
 Country: Japan  
 License No:  
 Name Number: 006720  
**DBA: Salco International, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 4200 NW. 35 Court  
 City: Miami  
 State: FL 33142  
 Country: United States of America  
 License No:  
 Name Number: 001052  
**DBA: Samatour Shipping Co.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: Safia Zaghloul Street, El Salam Boulevard  
 City: Alexandria  
 State:  
 Country: Egypt  
 License No:  
 Name Number: 001060  
**DBA: Samba Line, S.A.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street:  
 City: Panama City  
 State:  
 Country: Republic of Panama  
 License No:  
 Name Number: 006815  
**DBA: Samband Isl. Samvinnufelaga Samband Line**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: P.O. Box. 180  
 City: 121 Reykjavik  
 State:  
 Country: Iceland  
 License No:  
 Name Number: 001061  
**DBA: Sammi Line Co. Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 609  
 City: Seattle  
 State: WA 98111  
 Country: United States of America  
 License No:  
 Name Number: 001064  
**DBA: Sanyu Transportation, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 395 West Heber Road

City: El Centro  
 State: CA 92243  
 Country: United States of America  
 License No:  
 Name Number: 006029  
**DBA: Saturno Lines Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 118  
 City: Kingston 15  
 State:  
 Country: Jamaica  
 License No:  
 Name Number: 001074  
**DBA: Save Parcel Service, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 1225 6th Street  
 City: San Francisco  
 State: CA 94107  
 Country: United States of America  
 License No:  
 Name Number: 006663  
**DBA: SCAC Transport (USA) Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 9133 La Cienega Blvd., Suite 130  
 City: Inglewood  
 State: CA 90301  
 Country: United States of America  
 License No:  
 Name Number: 001077  
**DBA: Scandinavian N.A. Transport Services AB**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 2 World Trade Center  
 City: New York  
 State: NY  
 Country: United States of America  
 License No:  
 Name Number: 005679  
**DBA: Schaefer and Krebs, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 1 Exchange Place  
 City: Jersey City  
 State: NJ 07302  
 Country: United States of America  
 License No:  
 Name Number: 006728  
**DBA: Sea Lion Container Lines Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 3455 Jasmine Avenue #4  
 City: Los Angeles  
 State: CA 90034  
 Country: United States of America  
 License No:  
 Name Number: 006722  
**DBA: Sea-Mates Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: P.O. Box 414  
 City: Grand Cayman Island  
 State:  
 Country: Cayman Islands

License No:  
 Name Number: 006807  
**DBA: Sea-Van Freight Services, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 3 Park Row  
 City: New York  
 State: NY 10038  
 Country: United States of America  
 License No:  
 Name Number: 006724  
**DBA: Seabridge Transport**  
 Person Types: Non-vessel operating common carrier  
 Street: Bat. 15-Garonor, 93614 Aulnay  
 City: S/Bois  
 State:  
 Country: France  
 License No:  
 Name Number: 006037  
**DBA: Seamount Navigation, S.A.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: Apartado Postal 5366, Panama 5  
 City: Republica de Panama  
 State:  
 Country: Republic of Panama  
 License No:  
 Name Number: 002839  
**DBA: Sesko Marine Trailers, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 4715 NW. 72nd Avenue  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No:  
 Name Number: 001133  
**DBA: Seven Ocean Shipping, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: P.O. Box 440321  
 City: Miami  
 State: FL 33144  
 Country: United States of America  
 License No:  
 Name Number: 002775  
**DBA: Seven Star Container Line**  
 Person Types: Non-vessel operating common carrier  
 Street: 1305 Oregon Avenue  
 City: Long Beach  
 State: CA 90813  
 Country: United States of America  
 License No:  
 Name Number: 007055  
**DBA: Shippers Consolidators, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 53 Park Place, Suite 204  
 City: New York  
 State: NY 10007  
 Country: United States of America  
 License No:  
 Name Number: 006727



**DBA: Simplified Overseas Parcel Express**

*Person Types:* Non-vessel operating common carrier

*Street:* 355 W. Carob Street

*City:* Compton

*State:* CA 90220

*Country:* United States of America

*License No:*

*Name Number:* 006719

**DBA: Sino-Piff International Freight Ltd.**

*Person Types:* Non-vessel operating common carrier

*Street:* 267-275 Des Voeux Road, Room

1201 Loon Kee Bld

*City:* Central

*State:*

*Country:* Hong Kong

*License No:*

*Name Number:* 006055

**DBA: SKS Trading Co., Ltd.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Coleman Bldg., Suite 208, 811

First Avenue

*City:* Seattle

*State:* WA 98104

*Country:* United States of America

*License No:*

*Name Number:* 006366

**DBA: South Sea Shipping Corp.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 612 E. Grassy Sprain Road

*City:* Yonkers

*State:* NY 10710

*Country:* United States of America

*License No:*

*Name Number:* 001164

**DBA: Southern Container Line**

*Person Types:* Non-vessel operating common carrier

*Street:* 7210 NW. 77 Street

*City:* Miami

*State:* FL 33166

*Country:* United States of America

*License No:*

*Name Number:* 001159

**DBA: Southland Pacific Shipping Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 20218 Doogan Ave.

*City:* Compton

*State:* CA 90221

*Country:* United States of America

*License No:*

*Name Number:* 001163

**DBA: Southwest Pacific Container Line**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 51 Pitt Street

*City:* Sydney N.S.W. 2000

*State:*

*Country:* Australia

*License No:*

*Name Number:* 006821

**DBA: Sovereign Line**

*Person Types:* Non-vessel operating common carrier

*Street:* 15 Park Row

*City:* New York

*State:* NY 10038

*Country:* United States of America

*License No:*

*Name Number:* 006059

**DBA: Spartan Container Lines**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 1089

*City:* Greer

*State:* SC 29651

*Country:* United States of America

*License No:*

*Name Number:* 001169

**DBA: Speditionscenret**

*Person Types:* Non-vessel operating common carrier

*Street:* 1. Dr.Tvaergade

*City:* DK1302 Copenhagen

*State:*

*Country:* Denmark

*License No:*

*Name Number:* 001171

**DBA: Speedway Container Line, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* Suite 421, 3605 Long Beach Blvd.

*City:* Long Beach

*State:* CA 90807

*Country:* United States of America

*License No:*

*Name Number:* 001173

**DBA: Star Bright Container Line, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 1401 NW. 78th Avenue, Suite 201

*City:* Miami

*State:* FL 33126

*Country:* United States of America

*License No:*

*Name Number:* 006093

**DBA: Star Caribbean, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 875 Clarkson Avenue

*City:* Brooklyn

*State:* NY 11203

*Country:* United States of America

*License No:*

*Name Number:* 006061

**DBA: Star Consolidators, Ltd.**

*Person Types:* Non-vessel operating common carrier

*Street:* 409 North Oak Street

*City:* Inglewood

*State:* CA 90301

*Country:* United States of America

*License No:*

*Name Number:* 006776

**DBA: Star Shipping Limited**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* P.O. Box N-4723

*City:* Nassau

*State:*

*Country:* Bahama Islands

*License No:*

*Name Number:* 001185

**DBA: Stolt Tank Containers (USA), Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* 8 Sound Shore Drive

*City:* Greenwich

*State:* CT 06836

*Country:* United States of America

*License No:*

*Name Number:* 001191

**DBA: Storage & Consolidators, Inc.**

*Person Types:* Non-vessel operating common carrier

*Street:* P.O. Box 10130 Caparra Heights Station

*City:* Rio Piedras

*State:* PR 00922

*Country:* United States of America

*License No:*

*Name Number:* 001192

**DBA: Sudan Lines**

*Person Types:* Controlled Carrier

*Street:* Via Genova 13

*City:* Trieste

*State:*

*Country:* Italy

*License No:*

*Name Number:* 00196

**DBA: SUDCARGOS**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 17 Rue Robert Schumann

*City:* 3218 Marseille

*State:*

*Country:* France

*License No:*

*Name Number:* 006094

**DBA: Surinam Navigation Co.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* Waterkant 44

*City:* Paramaribo

*State:*

*Country:* Surinam

*License No:*

*Name Number:* 001206

**DBA: Sylvania Overseas Corp.**

*Person Types:* Ocean common carrier (vessel operating)

*Street:* 1007 North America Way

*City:* Miami

*State:* FL 33132

*Country:* United States of America

*License No:*

*Name Number:* 000836

**DBA: TAI Marine & Co., Ltd.**

*Person Types:* Non-vessel operating common carrier

*Street:* 8 Fl., No. 172 Fu Hsing N. Rd.

*City:* Taipei

*State:*

*Country:* Taiwan

*License No:*



**Name Number:** 001333  
**DBA:** TBI Limited  
**Person Types:** Non-vessel operating common carrier  
**Street:** 43 Chatam Road  
**City:** G/S/, Kowloon  
**State:**  
**Country:** Hong Kong  
**License No:**  
**Name Number:** 005775  
**DBA:** TEC Lines, Ltd.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** 4310 NW. 36 Avenue  
**City:** Miami  
**State:** FL 33142  
**Country:** United States of America  
**License No:**  
**Name Number:** 006818  
**DBA:** TEXSHIP, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 1225 North Loop West  
**City:** Houston  
**State:** TX 77032  
**Country:** United States of America  
**License No:**  
**Name Number:** 005803  
**DBA:** Thriftcargo International, S.A.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 3290 N.W. 79th Avenue  
**City:** Miami  
**State:** FL 33122  
**Country:** United States of America  
**License No:**  
**Name Number:** 000525  
**DBA:** TIC Line  
**Person Types:** Non-vessel operating common carrier  
**Street:** 1660 Rollins Road  
**City:** Burlingame  
**State:** CA 94010  
**Country:** United States of America  
**License No:**  
**Name Number:** 000529  
**DBA:** Trade Wind Shipping Co., Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 15248 SE. 43 St. #202  
**City:** Bellevue  
**State:** WA 98006  
**Country:** United States of America  
**License No:**  
**Name Number:** 002774  
**DBA:** Traficomar Shipping Inc.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** 31st Street, 3-80  
**City:** Panama City  
**State:**  
**Country:** Republic Of Panama  
**License No:**  
**Name Number:** 000548  
**DBA:** Tran Ocean Line  
**Person Types:** Non-vessel operating common carrier

**Street:** 3804 South Ocean Drive  
**City:** Hollywood  
**State:** FL 33019  
**Country:** United States of America  
**License No:**  
**Name Number:** 007038  
**DBA:** Trans Angelo Lines  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** 3611 NW., South River Drive  
**City:** Miami  
**State:** FL 33132  
**Country:** United States of America  
**License No:**  
**Name Number:** 006817  
**DBA:** Trans Global Trade Services, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 215 Long Beach Blvd., Ste. 1010  
**City:** Long Beach  
**State:** CA 90802  
**Country:** United States of America  
**License No:**  
**Name Number:** 005776  
**DBA:** Trans Ocean Distribution  
**Person Types:** Non-vessel operating common carrier  
**Street:** 851 Traeger Ave.  
**City:** San Bruno  
**State:** CA 94066  
**Country:** United States of America  
**License No:**  
**Name Number:** 005784  
**DBA:** Trans System Line  
**Person Types:** Non-vessel operating common carrier  
**Street:** 8055 13th Street, Suite 310  
**City:** Silver Spring  
**State:** MD 20910  
**Country:** United States of America  
**License No:**  
**Name Number:** 000563  
**DBA:** Trans World Container Service, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 1 World Trade Center, Suite 4541  
**City:** New York  
**State:** NY 10048  
**Country:** United States of America  
**License No:**  
**Name Number:** 000565  
**DBA:** Trans World Export Boxing Corp.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 808 Garfield Avenue  
**City:** Jersey City  
**State:** NJ 07305  
**Country:** United States of America  
**License No:**  
**Name Number:** 000566  
**DBA:** Trans-World Atlantic Co., Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** One World Trade Center, Suite 7967  
**City:** New York

**State:** NY 10048  
**Country:** United States of America  
**License No:**  
**Name Number:** 007039  
**DBA:** TransAct, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 211 College Road E.  
**City:** Princeton  
**State:** NJ 08540  
**Country:** United States of America  
**License No:**  
**Name Number:** 006235  
**DBA:** TransAction Lines Corp.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 3000 NW. 74th Avenue  
**City:** Miami  
**State:** FL 33122  
**Country:** United States of America  
**License No:**  
**Name Number:** 000568  
**DBA:** TransAfrica Shipping Inc.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** P.O. Box 12502  
**City:** Arlington  
**State:** VA 22209  
**Country:** United States of America  
**License No:**  
**Name Number:** 005786  
**DBA:** Transaltic Line Ltd.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** Development House—21 Wharf Road  
**City:** Apapa  
**State:**  
**Country:** Nigeria  
**License No:**  
**Name Number:** 000569  
**DBA:** TransCaribbean Consolidated Transport, Inc.  
**Person Types:** Non-vessel operating common carrier  
**Street:** 2500-83rd St.—Bldg. 10B  
**City:** North Bergen  
**State:** NJ 07047  
**Country:** United States of America  
**License No:**  
**Name Number:** 000574  
**DBA:** Transinter Shipping Corporation  
**Person Types:** Non-vessel operating common carrier  
**Street:** 26 Broadway—Suite 1559  
**City:** New York  
**State:** NY 10004  
**Country:** United States of America  
**License No:**  
**Name Number:** 002856  
**DBA:** Transmar Shipping Lines, Inc.  
**Person Types:** Ocean common carrier (vessel operating)  
**Street:** Suite 200, 3750 NW. 28th Street  
**City:** Miami  
**State:** FL 33142



Country: United States of America  
 License No:  
 Name Number: 006819  
**DBA: Transmodal Cargo Carriers International Ltd.**  
 Person Types: Non-vessel operating common carrier  
 Street: 39 Broadway  
 City: New York  
 State: NY 10006  
 Country: United States of America  
 License No:  
 Name Number: 000590  
**DBA: Transmodal Cargo Carriers, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 43 Potter Lane  
 City: Halesite  
 State: NY 11743  
 Country: United States of America  
 License No:  
 Name Number: 000589  
**DBA: Transtainer Lines Ltd.**  
 Person Types: Non-vessel operating common carrier  
 Street: 107 West Side Avenue  
 City: Jersey City  
 State: NJ 07305  
 Country: United States of America  
 License No:  
 Name Number: 000612  
**DBA: Transtec (U.S.), Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: c/o Jardine Air Cargo U.S. Ltd., 345-347 North Oak Street  
 City: Inglewood  
 State: CA 90301  
 Country: United States of America  
 License No:  
 Name Number: 000613  
**DBA: Transtech, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 32 Bryden Place  
 City: Ridgewood  
 State: NJ 07450  
 Country: United States of America  
 License No:  
 Name Number: 000641  
**DBA: Transworld Shipping GMBH**  
 Person Types: Non-vessel operating common carrier  
 Street: Messberghof P.O. Box 105 126  
 City: D-2000 Hamburg 1  
 State:  
 Country: German Federal Republic (West)  
 License No:  
 Name Number: 000619  
**DBA: Traveler's Overseas, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 25 James Street  
 City: New Haven  
 State: CT 06513  
 Country: United States of America

License No:  
 Name Number: 000620  
**DBA: Trebol Shipping Co., Ltd.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street:  
 City: Monrovia  
 State:  
 Country: Liberia  
 License No:  
 Name Number: 006621  
**DBA: Trident Ocean Services**  
 Person Types: Non-vessel operating common carrier  
 Street: 11938 Waveland Avenue  
 City: Franklin Park  
 State: IL 60131  
 Country: United States of America  
 License No:  
 Name Number: 006661  
**DBA: Trifent Express Line**  
 Person Types: Non-vessel operating common carrier  
 Street: 1642 East Baltimore Street  
 City: Baltimore  
 State: MD 21231  
 Country: United States of America  
 License No:  
 Name Number: 006710  
**DBA: TSI Intermodal**  
 Person Types: Non-vessel operating common carrier  
 Street: 21055 West Road  
 City: Tranton  
 State: MI 48183  
 Country: United States of America  
 License No:  
 Name Number: 000499  
**DBA: TSI Shipping (U.S.A.), Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: One World Trade Center, Suite 3171  
 City: New York  
 State: NY 10048  
 Country: United States of America  
 License No:  
 Name Number: 007049  
**DBA: Turbo Line**  
 Person Types: Non-vessel operating common carrier  
 Street: 290 Nye Avenue  
 City: Irvington  
 State: NJ 07111  
 Country: United States of America  
 License No:  
 Name Number: 000631  
**DBA: U-S-Panama Lines, Inc.**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 5017 Jose Augustine Arango  
 City: 691 Zone 9A  
 State:  
 Country: Republic of Panama  
 License No:  
 Name Number: 000038  
**DBA: Uiterwyk Lines (Lakes)**

Person Types: Ocean common carrier (vessel operating)  
 Street: 50 Shirley Street  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No:  
 Name Number: 000043  
**DBA: Uiterwyk Lines (Reefer)**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 50 Shirley Street  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No:  
 Name Number: 000044  
**DBA: Uiterwyk Lines (West Africa, LTD.)**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 50 Shirley Street  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No:  
 Name Number: 000045  
**DBA: Uiterwyk Shipping Lines**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 50 Shirley Street  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No:  
 Name Number: 000046  
**DBA: Ultramar Shipping, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 170 Broadway  
 City: New York  
 State: NY 10038  
 Country: United States of America  
 License No:  
 Name Number: 007043  
**DBA: Unico Shipping Company, Inc.**  
 Person Types: Non-vessel operating common carrier  
 Street: 439 Hardee Road  
 City: Coral Gables  
 State: FL 33146  
 Country: United States of America  
 License No:  
 Name Number: 006150  
**DBA: Union Container Line Corp.**  
 Person Types: Non-vessel operating common carrier  
 Street: 399 West Victoria Street  
 City: Gardena  
 State: CA 90248  
 Country: United States of America  
 License No:  
 Name Number: 006709  
**DBA: Union Shipping Line**  
 Person Types: Ocean common carrier (vessel operating)  
 Street: 3750 NW. 28th Street Bay 307



City: Miami  
 State: FL 33142  
 Country: United States of America  
 License No:  
 Name Number: 007052  
**DBA: Unique Shipping Co. Ltd.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Banco Popular Center, Suite 935  
 City: Hato Rey  
 State:  
 Country: Puerto Rico  
 License No:  
 Name Number: 000054  
**DBA: United Thai Shipping Corp. Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 306 Silom Road  
 City: Bangkok  
 State:  
 Country: Thailand  
 License No:  
 Name Number: 006158  
**DBA: United Van Lines International, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: One United Drive  
 City: Fenton  
 State: MO 63026  
 Country: United States of America  
 License No:  
 Name Number: 001756  
**DBA: Universal Container Lines**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1441 West 132rd Street  
 City: Gardena  
 State: CA 90249  
 Country: United States of America  
 License No:  
 Name Number: 000076  
**DBA: Universal Transcontinental Corporation**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 325 Spring Street  
 City: New York  
 State: NY 10013  
 Country: United States of America  
 License No:  
 Name Number: 000080  
**DBA: Unsworth Transport International, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1831 Pennsylvania Avenue  
 City: Lindsin  
 State: NJ 07036  
 Country: United States of America  
 License No:  
 Name Number: 000081  
**DBA: Vertex Freight Systems, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: P.O. Box 522217  
 City: Miami

State: FL 33152  
 Country: United States of America  
 License No:  
 Name Number: 005828  
**DBA: Viralina West Africa Line Ltd.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: 39 Longridge Road—Earls Court  
 City: London SW5  
 State:  
 Country: Great Britain  
 License No:  
 Name Number: 000017  
**DBA: Voyager Lines, Inc.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: P.O. Box 2097  
 City: Westfield  
 State: NJ 07090  
 Country: United States of America  
 License No:  
 Name Number: 007056  
**DBA: Vroon B.V.**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: P.O. Box 28  
 City: 3550 Breskens  
 State:  
 Country: The Netherlands, Holland  
 License No:  
 Name Number: 000029  
**DBA: W.C.I. Freight Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 1813 W. Willard Street  
 City: Long Beach  
 State: CA 90810  
 Country: United States of America  
 License No:  
 Name Number: 000147  
**DBA: West Africa Navigation**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: P.O. Box N624 (C)  
 City: Nassau  
 State:  
 Country: Bahama Islands  
 License No:  
 Name Number: 000092  
**DBA: West Indies Freight, Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 4795 NW. 72 Avenue  
 City: Miami  
 State: FL 33166  
 Country: United States of America  
 License No:  
 Name Number: 000100  
**DBA: White Pass Transportation Limited**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: P.O. Box 4070  
 City: Whitehouse, Yukon Territory K1A  
 3T1  
 State:  
 Country: Canada  
 License No:

Name Number: 000105  
**DBA: Willine**  
 Person Types: Ocean common carrier  
 (vessel operating)  
 Street: Roald Amundsesgt 5—P.O. Box  
 1359, VIKÅ  
 City: Oslo 1 Norway  
 State:  
 Country: Norway  
 License No:  
 Name Number: 006270  
**DBA: World & Island Transport Co., Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 3815 Atlantic Avenue Suite D  
 City: Long Beach  
 State: CA 90807  
 Country: United States of America  
 License No:  
 Name Number: 000117  
**DBA: World Consolidators (Japan) Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: P.O. Box 534  
 City: Palos Park  
 State: IL 60464  
 Country: United States of America  
 License No:  
 Name Number: 000115  
**DBA: World Ports Overseas Ltd.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 62 Claradon Road  
 City: Staten Island  
 State: NY 10305  
 Country: United States of America  
 License No:  
 Name Number: 000119  
**DBA: World Trans Line**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 120 East Ogden Avenue  
 City: Hinsdale  
 State: IL 60521  
 Country: United States of America  
 License No:  
 Name Number: 000122  
**DBA: World Transportation, Incorporated**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 8415 Envoy Avenue  
 City: Philadelphia  
 State: PA 19153  
 Country: United States of America  
 License No:  
 Name Number: 002859  
**DBA: Worldwide Freight Services Inc.**  
 Person Types: Non-vessel operating  
 common carrier  
 Street: 505 North Belt East, Suite 320  
 City: Houston  
 State: TX 77060  
 Country: United States of America  
 License No:  
 Name Number: 000127



**DBA: Yamato Customs Brokers U.S.A.  
Inc.****Person Types:** Non-vessel operating  
common carrier**Street:** 720 Hinory Avenue**City:** Inglewood**State:** CA 90301**Country:** United States of America**License No:****Name Number:** 005687**DBA: Zebec Maritime****Person Types:** Non-vessel operating  
common carrier**Street:** P.O. Box 920673**City:** Houston**State:** TX 77292**Country:** United States of America**License No:****Name Number:** 006133

[FR Doc. 87-23233 Filed 10-9-87; 8:45 am]

**BILLING CODE 6730-01-M**



# Test Part Federal Register

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**Tuesday  
October 13, 1987**

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## **Part III**

### **Department of Education**

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**34 CFR Part 763**

**Drug Abuse Education and Prevention  
Audiovisual Materials Program; Final  
Regulations**



## DEPARTMENT OF EDUCATION

## 34 CFR Part 763

## Drug Abuse Education and Prevention Audiovisual Materials Program

AGENCY: Department of Education.

ACTION: Final regulations.

**SUMMARY:** The Secretary issues regulations governing the Drug Abuse Education and Prevention Audiovisual Materials Program. The program reflects the congressional mandate in Pub. L. 99-591 to develop audiovisual materials for distribution to local educational authorities for drug abuse education and prevention activities.

**EFFECTIVE DATE:** These regulations take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Louie E. Mathis, 202-732-4637.

**SUPPLEMENTARY INFORMATION:****Background**

Congress appropriated \$5.5 million in October 1986 to develop audiovisual materials for distribution to local educational authorities for drug education and prevention activities.

To help carry out that mandate, the Department has created the Drug Abuse Education and Prevention Audiovisual Materials Program. This program will award funds to produce and distribute videotapes of broadcast quality for viewing by students in elementary and secondary schools. Funds awarded under this program would cover the production and distribution of both the videotapes and accompanying printed material such as teacher guides. Awards totalling \$4.5 million will be made through cooperative agreements that give the Department a significant role in planning and monitoring the entire course of each project. The remaining \$1 million has been reserved for additional activities related to producing and distributing audiovisual materials.

**Summary of Major Provisions**

On June 9, 1987, the Secretary published a notice of proposed rulemaking (NPRM) for this program in the *Federal Register*. See 52 FR 21920. The preamble to the NPRM contained a summary of major provisions which is still fully applicable to these final regulations. Section 763.31(c) of the regulations has been changed to reflect minor editorial revisions; § 763.31(c)(1)

has also been changed to clarify that recipients of awards, as well as third parties, may contribute to the production and distribution of audiovisual materials with the Secretary's prior written approval. Otherwise, there are no differences between the NPRM and these final regulations. Three commenters submitted comments on the NPRM. A summary of their comments and the Secretary's responses follows.

**Comment:** One commenter noted that § 763.4 of the NPRM authorized the Secretary to establish program priorities related to grade levels and types of substance abuse. The commenter recommended that the Secretary specifically establish a priority to develop culturally-oriented audiovisual materials targeted for ethnic/racial minorities.

**Response:** No change is made.

The Secretary does not believe that any priorities should be established under this program exclusively to benefit particular ethnic or racial groups. However, the Secretary has authority to select applications for funding other than those most highly rated if doing so would improve the diversity of activities or projects funded. See § 763.20(d) of the regulations.

**Comment:** Another commenter objected to the requirement that program funds be used for videotapes of broadcast quality. See § 763.31(d) of the regulations. The commenter also questioned whether videotapes need to be close-captioned. See § 763.3(b). The commenter further noted the prohibition against use of funds to purchase equipment contained in § 763.32, and stated that the proposed regulations failed to mention the possibility of joint projects involving more than one eligible applicant. The commenter recommended that the program fund audiovisual media other than videotapes, such as computers and laserdiscs, and that awards be made for videotapes of less than broadcast quality. The commenter believed that these steps would help applicants that do not possess the equipment necessary to ensure broadcast quality.

**Response:** No change is made.

Videotapes are commonly used in the Nation's schools. Moreover, the Secretary believes that close-captioned videotapes of broadcast quality provide a cost-effective means of enhancing efforts to combat the use of illicit drugs. Alternate methods of distribution—which typically relay solely on the direct mail of multiple copies—could substantially reduce the funds available for production of materials under this program. Both the proposed regulations

and these final regulations allow a number of eligible parties to apply as a group. See 34 CFR 75.127(a), which is cross-referenced in § 763.5(a) of the regulations.

**Comment:** Another commenter urged that this program be restructured to focus on assisting schools in acquiring products already available in the market, as opposed to the production and distribution of new materials. The commenter stated that the NPRM improperly helped nonprofit entities enter a competitive field in which profit-making firms are active. The commenter also objected to § 763.5, which applies the same cost principles to both profit and nonprofit entities that receive an award. According to the commenter, § 763.5 is inconsistent with OMB Circular A-76. The commenter further requested that it be allowed to express its views more fully at a public hearing before final regulations are published.

**Response:** No change is made.

The legislation authorizing this program calls for the "development of audiovisual materials for distribution to local educational authorities." The Secretary interprets this language as contemplating the production and distribution of new materials, rather than the purchase of existing materials. The Secretary believes that both profit and nonprofit entities should be allowed to compete for awards under the program. This competition is governed by the selection criteria contained in § 763.21, rather than by OMB Circular A-76. The Circular applies only in cases where the Government compares the cost of performing a commercial activity directly with the cost of contracting for that activity through a commercial source. Moreover, the cost principles referenced in § 763.5 address the use of Federal funds after an award has been made, and are unrelated to the competition for an award. It is unnecessary to convene a public hearing because the commenter has already been given an opportunity to provide written comments on the NPRM. Convening a public hearing would also significantly delay the development of new materials to help combat drug abuse among the Nation's young people.

**Executive Order 12291**

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.



**Intergovernmental Review**

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of the Executive Order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notice of the Department's specific plans and actions for this program.

**Assessment of Educational Impact**

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is from any other agency or authority of the United States.

**List of Subjects in 34 CFR Part 763**

Education, Grants program—  
Education, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Number 84.189)

Dated: September 23, 1987.

William J. Bennett,  
Secretary of Education.

The Secretary amends Title 34 of the Code of Federal Regulations by adding a new Part 763 to read as follows:

**PART 763—DRUG ABUSE EDUCATION AND PREVENTION AUDIOVISUAL MATERIALS PROGRAM****Subpart A—General**

Sec.

- 763.1 What is the Drug Abuse Education and Prevention Audiovisual Program?
- 763.2 Who is eligible for an award under this program?
- 763.3 What types of projects does the Secretary assist under this program?
- 763.4 What priorities may the Secretary establish for this program?
- 763.5 What regulations apply to this program?
- 763.6 What definitions apply to this program?

**Subpart B—[Reserved]****Subpart C—How Does the Secretary Make an Award?**

- 763.20 How does the Secretary evaluate an application?
- 763.21 What selection criteria does the Secretary use?

**Subpart D—What Conditions Must Be Met After an Award?**

- 763.30 What message must project materials convey regarding illicit drug use?
- 763.31 What other standards must an applicant meet?
- 763.32 May funds be used to purchase equipment?

Authority: Pub. L. 99-591, 100 Stat. 3341-360.

**Subpart A—General****§ 763.1 What is the Drug Abuse Education and Prevention Audiovisual Materials Program?**

The Drug Abuse Education and Prevention Audiovisual Materials Program supports the production and distribution of audiovisual materials primarily to local educational agencies for use in drug abuse prevention and education programs.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.2 Who is eligible for an award under this program?**

The Secretary may make an award under this program to a State educational agency, local educational agency, institution of higher education, or to another profit or nonprofit agency, organization, or institution.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.3 What types of projects does the Secretary assist under this program?**

(a) The Secretary makes awards for projects that produce and distribute audiovisual materials for use in drug abuse education and prevention programs for elementary and secondary school students.

(b) The audiovisual materials produced must be closed-captioned videotapes with brief teacher guides and, if appropriate, student materials for classroom use.

(c) Recipients shall produce and distribute audiovisual materials for drug abuse education and prevention programs in both public and private elementary and secondary schools.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.4 What priorities may the Secretary establish for this program?**

The Secretary may establish as priorities particular grade levels, types of substance abuse, or any combination

of grade levels or types of substance abuse.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.5 What regulations apply to this program?**

The following regulations apply to this program:

(a) The Education Department General Administrative Regulations (EDGAR), in 34 CFR Part 74 (Administration of Grants), Part 75 (Direct Grant Programs), Part 77 (Definitions That Apply to Department Regulations), Part 78 (Education Appeal Board), and Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(b) The regulations in this Part 763.

(c) The cost principles referenced in 34 CFR 74.174 apply to profit-making organizations that receive awards under this program.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.6 What definitions apply to this program?**

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant  
Application  
Award  
Budget  
Department  
EDGAR  
Facilities  
Local educational agency  
Private  
Project  
Public  
Secretary  
State  
State educational agency

(b) *Other Definitions.*—The following definitions also apply to this part:

"Drug abuse education and prevention" means prevention, early intervention, rehabilitation referral, and education related to the use and abuse of controlled, illegal, addictive, or harmful substances, including the abuse of alcohol.

"Illicit drug use" means the use of illegal drugs and the abuse of other drugs and alcohol.

"Institution of higher education," "secondary school," and "nonprofit" have the meanings provided in section 1001 of the Elementary and Secondary Education Act of 1965 in effect prior to October 1, 1981.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)



**Subpart B—[Reserved]****Subpart C—How Does the Secretary Make an Award?****§ 763.20 How does the Secretary evaluate an application?**

(a) For each competition, the Secretary evaluates an application submitted under this program on the basis of the selection criteria in § 763.21.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible points for each criterion are indicated in parentheses.

(d) The Secretary may select applications for funding other than those most highly rated if doing so would improve the diversity of activities or projects funded.

(e) The Secretary may, after applying the criteria in § 763.21, confirm the production and distribution capacity of highly rated applicants in order to make final determinations for awards. That confirmation may include review and inspection of an applicant's facilities.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.21 What selection criteria does the Secretary use?**

The Secretary uses the following criteria to evaluate an application:

(a) *Creativity and effectiveness.* (15 points) The Secretary reviews each application to determine how creatively and effectively the applicant's proposed project will incorporate a strong message to elementary and secondary school students that illicit drug use is wrong and harmful.

(b) *Applicant's capacity.* (15 points) The Secretary reviews each application to determine the applicant's capacity successfully to complete the production and distribution of audiovisual materials of high quality, including—

(1) The applicant's ability to acquire and organize the necessary expertise, production personnel, and, if necessary, actors and other talent—as evidenced by examples of past performance;

(2) The applicant's experience in developing educational materials for elementary and secondary schools;

(3) The applicant's experience and knowledge concerning drug abuse education and prevention;

(4) The applicant's access to equipment and facilities to produce audiovisual materials; and

(5) The quality of the applicant's work, as evidenced by a sample videotape that demonstrates professional competence in the production of audiovisual education materials.

(c) *Production plan.* (25 points) The Secretary reviews each application to determine how adequately the applicant's production plan will—

(1) Ensure the use of approaches appropriate for the age levels of the target audience;

(2) Incorporate the advice of experts in drug abuse education and prevention;

(3) Incorporate research findings likely to improve drug abuse education and prevention programs;

(4) Involve teachers, school officials, parents, and students in designing the project; and

(5) Include field-testing of materials in classroom settings and make appropriate modifications, if needed, before the materials are distributed in final form.

(d) *Distribution plan.* (12 points) The Secretary reviews each application to determine how adequately the applicant's distribution plan will—

(1) Inform appropriate school authorities of the purpose and availability of materials produced by the applicant's project, and encourage their maximum use;

(2) Effectively and economically distribute these materials for broad use by schools; and

(3) Provide for periodic review and improvement of the applicant's distribution methods.

(e) *Management plan.* (12 points) The Secretary reviews each application to determine the quality of the management plan for the project, including—

(1) The extent to which the plan is effective and ensures proper, timely, and efficient completion of the project;

(2) The extent to which the plan's project design involves measurable timeliness for achieving significant steps in production and distribution; and

(3) The manner in which the plan will use resources and personnel successfully to complete the project.

(f) *Quality of key personnel.* (15 points)

(1) The Secretary reviews each application to determine the quality of key personnel and applicant plans to use on the project, including—

(i) The qualifications of the project director;

(ii) The qualifications of the audiovisual producer and other key personnel to be used in the project; and

(iii) The time that each person referred to in paragraphs (f)(1) (i) and (ii) of this section will commit to the project.

(2) To determine personnel qualifications under paragraph (f)(1) of this section, the Secretary considers

experience and training in fields related to the objectives of the project.

(g) *Budget and cost-effectiveness.* (6 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project; and

(2) Costs are reasonable in relation to the objectives of the project, as well as to timeliness for achieving significant steps in production and distribution.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**Subpart D—What Conditions Must Be Met After an Award?****§ 763.30 What message must project materials convey regarding illicit drug use?**

All materials produced or distributed with funds made available under this program must reflect the message that illicit drug use is wrong and harmful.

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.31 What other standards must an applicant meet?**

(a)(1) A recipient of funds under this part shall secure and provide to the Secretary on a timely basis prior to the broadcast or publication of materials (including field testing) produced with program funds, proof that the recipient has obtained all of the releases and rights that are necessary to ensure the authorized and noninfringing broadcast or publication of audiovisual materials funded under the program.

(2) These rights and releases must at a minimum include signed talent releases from all persons recognizably photographed, recorded or otherwise depicted, including, if necessary, releases from parents or guardians of minors who appear in or on audiovisual materials produced with program funds; worldwide music performance rights; and worldwide exhibition rights for exhibiting by the Government of others during the distribution phase of the project.

(b) Commercialization, or the implied or actual endorsement of commercial products or services through their focused portrayal, depiction, or use in audiovisual materials produced under this program, is prohibited.

(c)(1) Recipients and third parties may contribute to the production and distribution of audiovisual materials under this part only with the prior written approval of the Secretary.

(2) Any contribution under paragraph (c)(1) of this section is subject to the regulations on cost sharing in 34 CFR Part 74; Subpart G.

(3) If audiovisual materials are produced with funds or other assistance



in addition to funds provided by the Secretary under this program, an appropriate acknowledgment of that additional assistance must be placed after the Department's credit line and disclaimer referred to in paragraph (e) of this section.

(d) The videotapes produced under the regulations in this part must be of broadcast quality acceptable to public and commercial broadcasters in the United States. Compliance with the

standards set forth in the Federal Communications Commission rules at 47 CFR 73.682, 73.687, and 73.699 constitute an acceptable standard of broadcast quality.

(e) Materials produced under this part must include a credit line and disclaimer at the end stating as follows: "These materials were produced with funds from the U.S. Department of Education. The opinions expressed herein do not

necessarily reflect the views or policies of the Department."

(Authority: Pub. L. 99-591, 100 Stat. 3341-360)

**§ 763.32 May funds be used to purchase equipment?**

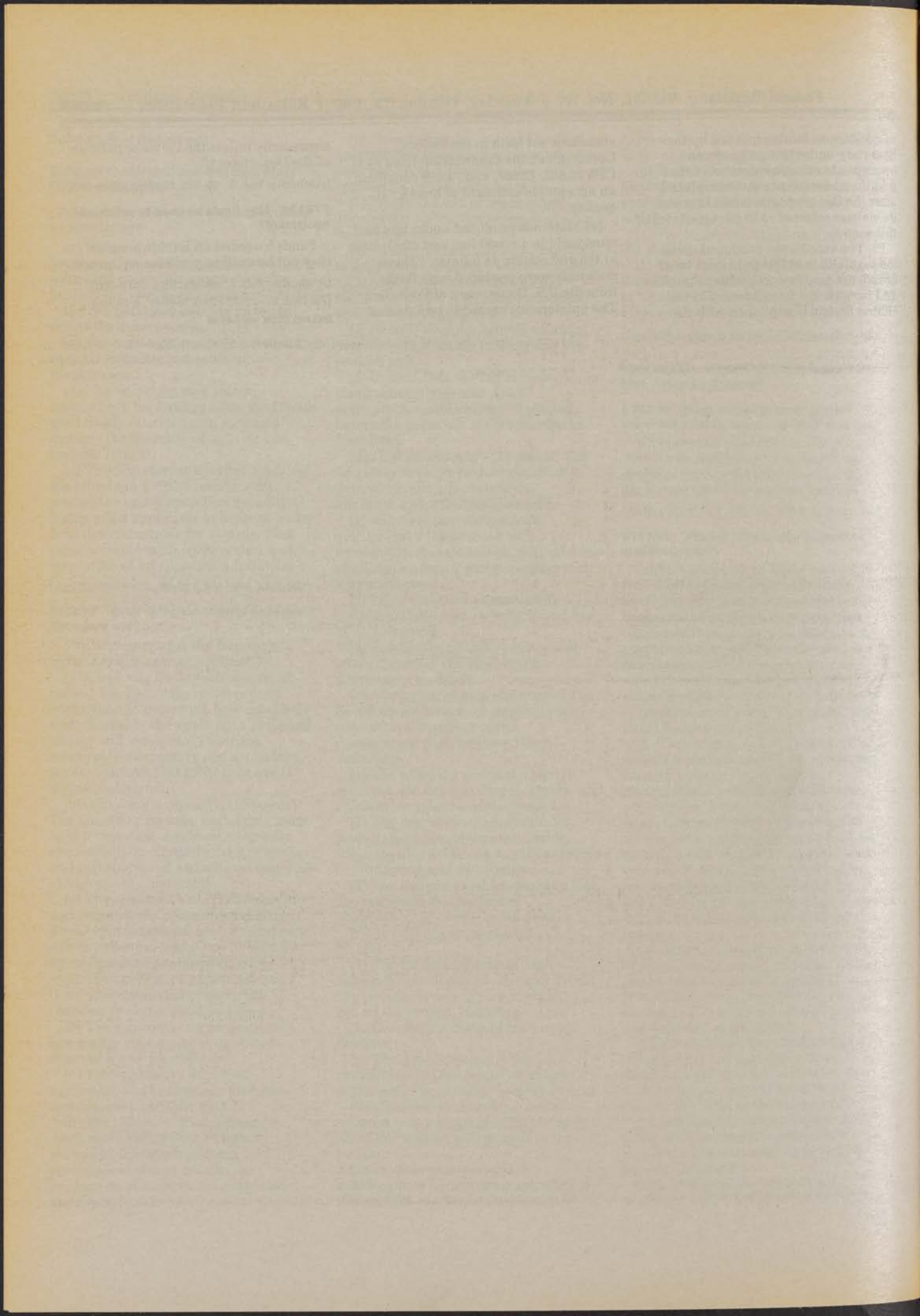
Funds awarded under this program may not be used to purchase equipment.

(Authority: Pub. L. 99-591, Stat. 3341-360)

[FR Doc. 87-23572 Filed 10-9-87; 8:45 am]

BILLING CODE 4000-01-M







# United States Federal Register

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Tuesday  
October 13, 1987

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## Part IV

### Department of Agriculture

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Agricultural Marketing Service

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7 CFR Part 910

Lemons Grown in California and Arizona;  
Limitation of Handling; Final Rule



Thursday  
October 12, 1961

Mr. J. C. ...  
California ...

Part IV

Department of  
Agriculture

Agricultural Marketing Service

7 CFR Part 910

Marketing Order in California and Arizona  
Local Market Handling Fees



## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## 7 CFR Part 910

(Lemon Regulation 582)

## Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** Regulation 582 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 265,000 cartons during the period October 11, through October 17, 1987. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

**DATES:** Regulation 582 (§ 910.882) is effective for the period October 11 through October 17, 1987.

**FOR FURTHER INFORMATION CONTACT:** Ronald L. Cioffi, Chief, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96465, Washington, DC 20090-6456; telephone: (202) 447-5697.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

The purpose of the RFA is to fit regulatory action to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Agricultural Marketing Agreement Act, and rule issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR Part 910) regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act", 7 U.S.C. 601 through 674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the marketing policy for 1987-88. The committee met publicly on October 7, 1987, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, by a unanimous vote, a quantity of lemons deemed advisable to be handled during the specified week. The committee reports that the market is good for large sized lemons, poor for smaller sizes.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable unnecessary, and contrary to the public interest to give preliminary notice, and engage in further public procedure with respect to this action and that good cause exists for not postponing the

effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions and the effective as specified, and handlers have been apprised of such provisions and the effective time.

## List of Subjects in 7 CFR Part 910

Marketing agreements and orders, California, Arizona, Lemons.

For the reasons set forth in the preamble, 7 CFR Part 910 is amended as follows:

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR Part 910 continues to read as follows:

**Authority:** Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 910.882 is added to read as follows:

## § 910.882 Lemon Regulation 582

The quantity of lemons grown in California and Arizona which may be handled during the period October 11 through October 17, 1987, is established at 265,000 cartons.

Dated: October 8, 1987.

Charles R. Brader,

Director Fruit and Vegetable Division,  
Agricultural Marketing Service.

[FR Doc. 87-23772 Filed 10-9-87; 8:45 am]

BILLING CODE 3410-02-M







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11	7.00	Jan. 1, 1986
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300-399	20.00	Jan. 1, 1987
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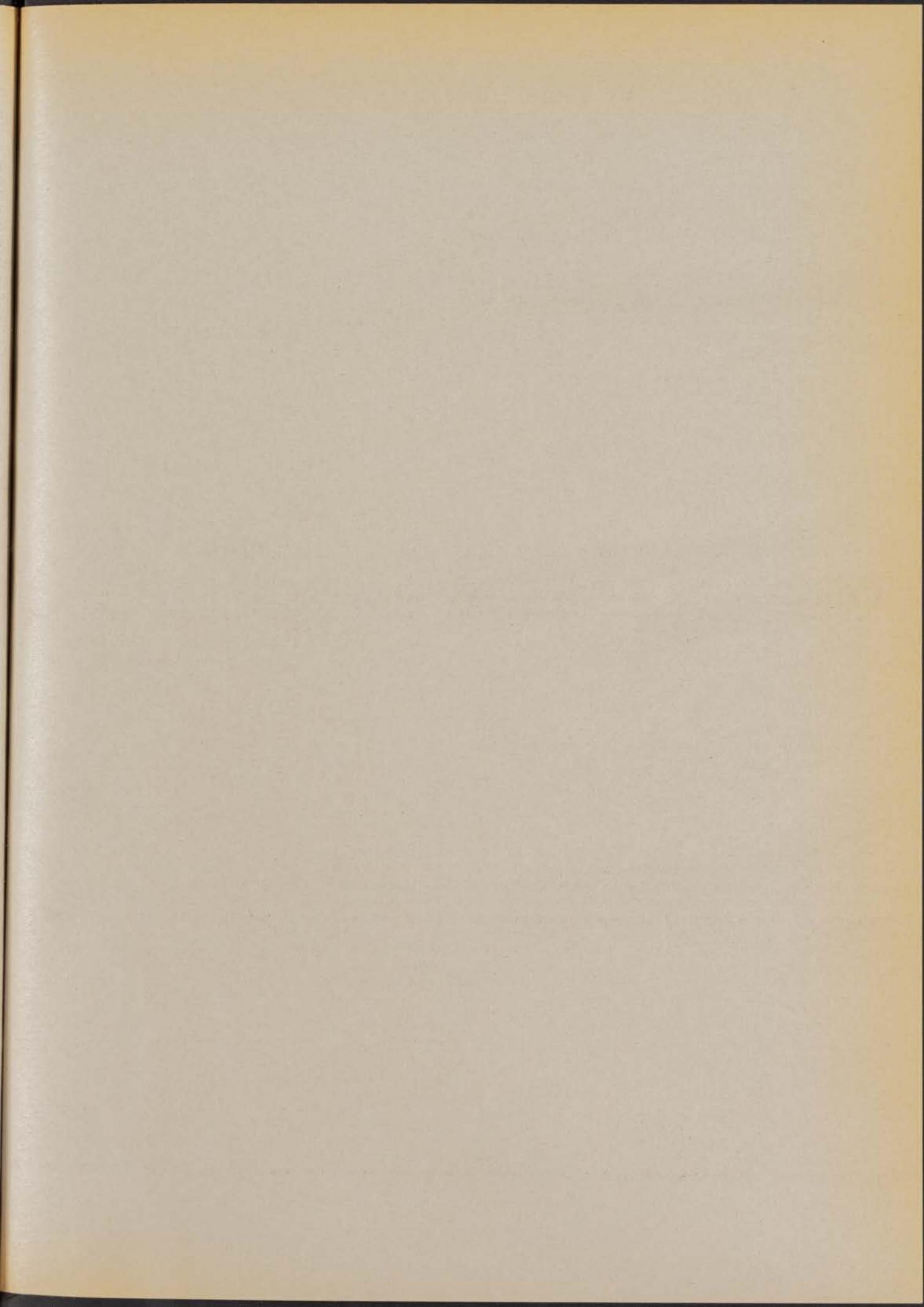
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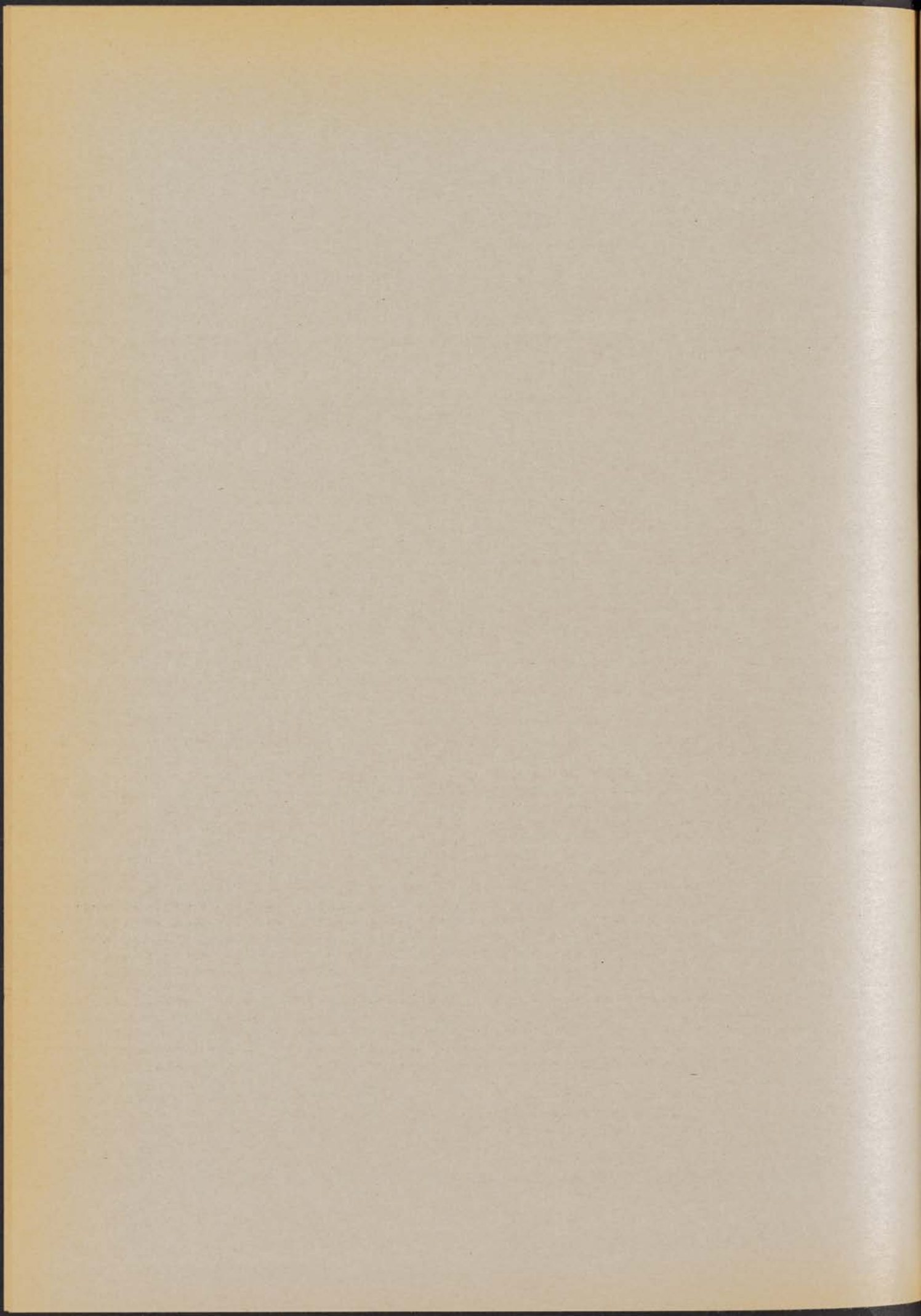




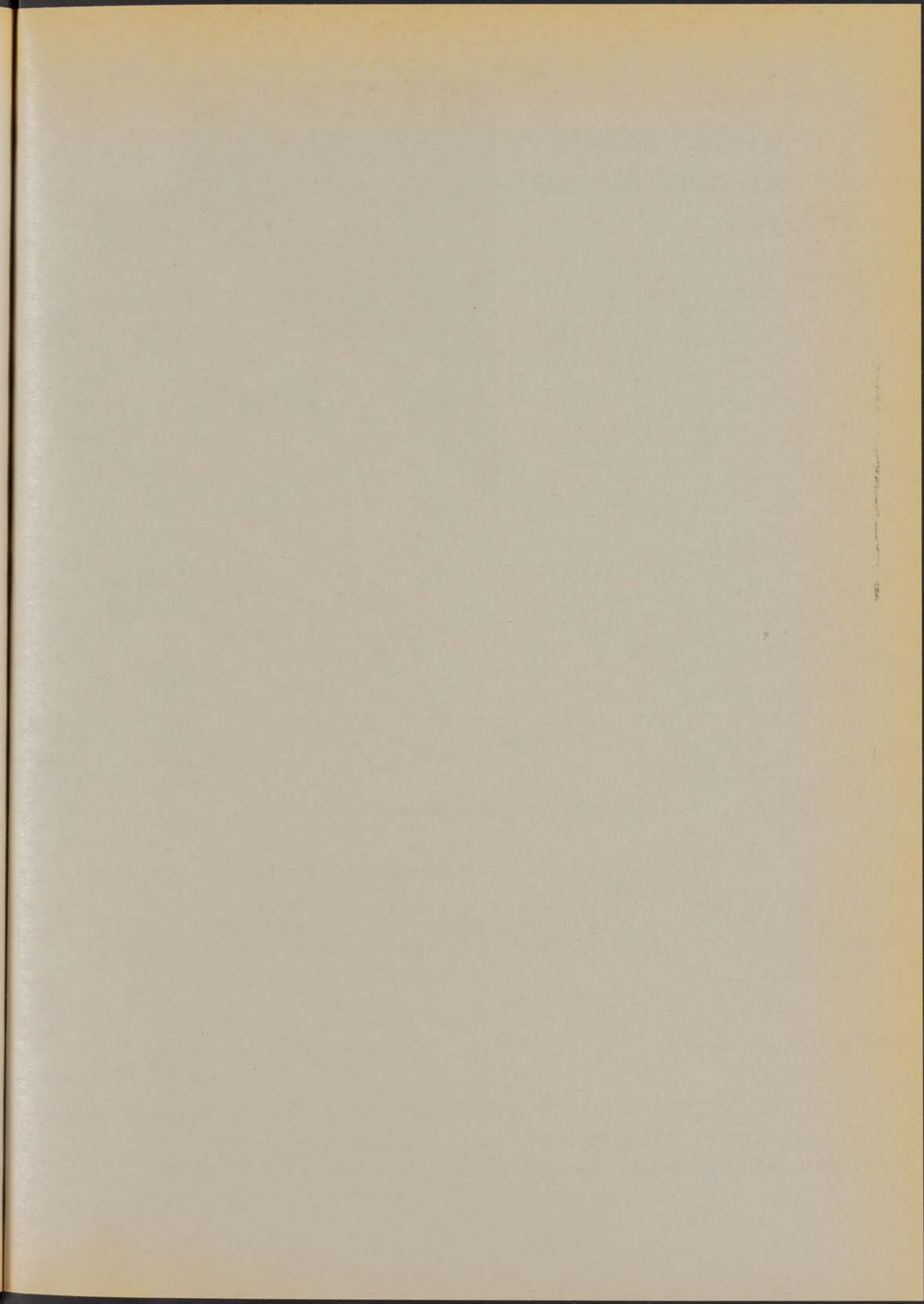














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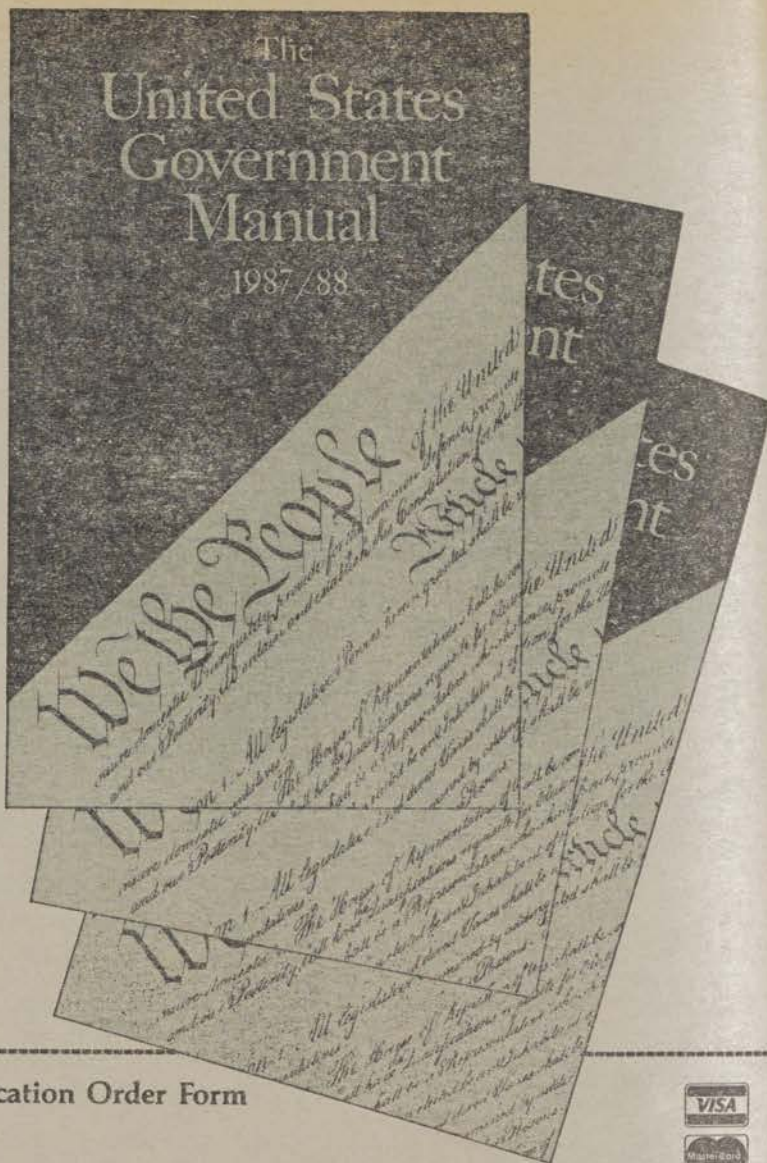
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